

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Government,

HONORABLE GEORGE CARAM STEEH

v.

No. 15-20652

D-3 EUGENE FISHER,
D-4 COREY BAILEY,
D-6 ROBERT BROWN,
D-13 ARLANDIS SHY,
D-19 KEITHON PORTER,

Defendants.

JURY TRIAL

Thursday, July 26, 2018

- - -

APPEARANCES:

For the Government:

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On behalf of Corey Bailey

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On behalf of Robert Brown

MARK MAGIDSON, ESQ.
JOHN THEIS, ESQ.
On behalf of Arlandis Shy

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STEVEN SCHARG, ESQ.
On behalf of Keithon Porter

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To Obtain Certified Transcript, Contact:
Ronald A. DiBartolomeo, Official Court Reporter
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Detroit, Michigan 48226
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Proceedings recorded by mechanical stenography.
Transcript produced by computer-aided transcription.

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DERRICK KENNEDY

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E X H B I T S

<u>Identification</u>	<u>Offered</u>	<u>Received</u>
Defense Exhibit No. ?	11	11
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Detroit, Michigan

Thursday, July 26, 2018

At 8:37 a.m.

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(Proceedings with jury at 8:37 a.m.)

THE COURT: Okay, folks. You can take a seat.

MR. BILKOVIC: If the Court wants to begin, we can continue.

THE COURT: All right. Mr. Magidson?

MR. MAGIDSON: Thank you, your Honor.

CROSS EXAMINATION CONT.

BY MR. MAGIDSON:

Q. Good morning, Mr. Kennedy.

A. Good morning, sir.

Q. When we broke yesterday, we were talking about during the time that you were selling the drugs in West Virginia. You were kind of bringing in a fair amount of cash, is that correct?

A. Yes, sir.

Q. We discussed a range of 130 to \$200,000 or more that

1 you would have at any given time, is that about right?

2 A. No, sir. That was the most that I had all at once.

3 Q. And so some of the cash you would distribute at
4 various clubs, is that correct?

5 A. Yes, sir.

6 Q. And there's at least a couple of videos -- or one or
7 two videos that have you distributing cash to the various
8 participants at the clubs, is that right?

9 A. Can you repeat that?

10 Q. There are videos that were played of you doing this
11 distributing, the money to the young ladies?

12 A. Yes, sir.

13 Q. All right. One of them is called something like --
14 I may have it wrong, and you can correct me -- Dip's
15 Despair. Are you familiar with that one?

16 A. Yes, sir.

17 Q. And did you commission that or somebody tell you
18 that this was going to be made?

19 A. Yes, sir.

20 Q. Okay. And you've seen it before, is that correct?

21 A. Yes.

22 **MR. MAGIDSON:** So if we could at this point
23 move to play that video, your Honor?

24 **THE COURT:** All right.

25 (Video played.)

1 BY MR. MAGIDSON:

2 Q. Mr. Kennedy, for clarification, is that you?

3 A. Yes.

4 Q. And you had a duffel bag?

5 A. Yes, sir.

6 Q. And that was cash in there?

7 A. Yes, sir.

8 Q. Do you remember how much approximately there was?

9 A. Like 8,000.

10 Q. And this was a party at a strip club?

11 A. Yes.

12 Q. Do you remember which club?

13 A. It was Gold Diggers.

14 Q. Is that the one on Livernois?

15 A. Yes, sir.

16 Q. And is that an extended -- we saw an extended white
17 limo?

18 A. Yes, sir.

19 Q. Is that a car that you rented or was that something
20 different?

21 A. That was a car that I rented.

22 Q. That you rented?

23 A. Yes.

24 Q. You came in a different car?

25 A. Yes.

1 Q. The car that you came in was that -- it looked like
2 a BMW?

3 A. Porsche.

4 Q. A Porsche?

5 A. Yes.

6 Q. Was that your car?

7 A. No, sir.

8 Q. You borrowed that car?

9 A. Yes, sir.

10 Q. Leased it?

11 A. No, that was Dada's car.

12 Q. Whose?

13 A. Dada, Jerome Gooch's car.

14 THE COURT: Hold on. Before you start again,
15 I believe I misunderstood you. You were asking to publish
16 an item already received.

17 MR. MAGIDSON: I'm sorry. I move to have it
18 admitted into evidence.

19 THE COURT: Any objection?

20 MR. WECHSLER: No, Judge.

21 THE COURT: All right.

22 MR. MAGIDSON: Thank you.

23
24 BY MR. MAGIDSON:

25 Q. Let's play the video.

1 (Video played.)

2 Mr. Kennedy?

3 A. Yes, sir.

4 Q. So we're looking at what appears to be a watch?

5 A. Yes, sir.

6 Q. Is that your watch?

7 A. Yes.

8 Q. What type of watch?

9 A. A Breitling.

10 Q. And how much is that?

11 A. 10,000.

12 Q. Okay. You can play it.

13 (Video played.)

14 Mr. Kennedy?

15 A. Yes, sir.

16 Q. Do you know who that individual is?

17 A. I don't know. I never hung with him or nothing.

18 MR. FEINBERG: I can't understand.

19

20 BY MR. MAGIDSON:

21 Q. Can you repeat that?

22 A. I know of him. I never hung with him.

23 Q. But was this somebody from the Six Mile, east side
24 area?

25 A. No, sir.

1 Q. It wasn't from the Team Eastside or something like
2 that?

3 A. No, sir.

4 Q. East Warren area?

5 A. Yes.

6 Q. East Warren, east side, right?

7 A. Yes, sir.

8 Q. He's affiliated with another organization, is that
9 correct?

10 A. Yes, sir.

11 Q. Okay. Did you cosponsor this event, this party?

12 A. Yeah, me and him went half.

13 Q. You and somebody from East Warren went in together
14 on this party?

15 A. We didn't go in. The club double booked. So I got
16 half my money back, and he gave him half his money back.
17 It never happened like that. We never got together and
18 said we would do a party together.

19 Q. But you wound up doing a party together?

20 A. Yes.

21 Q. All right.

22 (Video played.)

23 So did you distribute all of the \$8,000 that
24 night?

25 A. No.

1 Q. You had some left over?

2 A. Yes, sir.

3 Q. You got rid of most of it?

4 A. Yes, sir.

5 Q. Yesterday you were talking about -- you have -- was
6 it six or seven kids?

7 A. Yes, sir.

8 Q. How many?

9 A. Six.

10 Q. And you were behind as it relates to the Friend of
11 the Court. You were behind on child support?

12 A. Yes, sir.

13 Q. There's at least one individual, a mother of your
14 children that you owe \$35,000 to?

15 A. Yes, sir. About 30, yes, sir.

16 Q. And there's a warrant for your arrest for failure to
17 pay child support?

18 A. Yes, sir.

19 Q. But you claim that you pay these -- the mothers of
20 your children directly?

21 A. Yes, sir, I have.

22 Q. But the fact is, you really don't give them that
23 much, and you only, if somebody is getting evicted or
24 something like that, that's the only time when you give
25 them money?

1 **A.** No, that's not true.

2 **Q.** The -- so I will refer you back, do you recall
3 testifying at a hearing prior to this time?

4 **A.** Yes, sir.

5 **Q.** And you were under oath at that time?

6 **A.** Yes, sir.

7 **Q.** And looking at Page 128 of your transcript, you were
8 asked: How much money were you giving the mothers of your
9 children at this time, meaning while you were under court
10 order?

11 Answer: Every time they was about to get put
12 out, every time they was calling, doing anything.

13 Question: So you would wait until they were
14 going to get evicted?

15 Answer: I mean, if she had a man living in her
16 house, she shouldn't have to ask me for no money for
17 nothing, but my kids.

18 Question: But you let your kids go out on
19 streets because she's got another man in the house?

20 Answer: I never let them go out in the streets.
21 That's why I pay.

22 So if they are about to be evicted or something
23 like this, you come up with the rent money?

24 **A.** That's the only time I would do something for their
25 mothers. I ain't take care of no woman that has a man.

1 I'm taking care of my kids.

2 Q. Right.

3 A. She shouldn't be laying there with no man that he
4 can't help you with your bills. That's what I meant.

5 Q. Okay. But nevertheless, at least for one woman, you
6 owed over \$35,000. You had other cases as well, correct?
7 That's not the only one?

8 A. Yes, sir, because when I was selling drugs, I was
9 not getting a paycheck. I was not going down to the court
10 to give them money, no.

11 Q. You could have taken that money -- could have gotten
12 a money order and gone to the Friend of the Court, here's
13 100?

14 A. Yes, I could have.

15 Q. But you never did that?

16 A. No, sir.

17 Q. Now you indicated that you were friends with Billy
18 Arnold, also known as Killa?

19 A. Yes, sir.

20 Q. I think you testified that things were relatively
21 calm and peaceful at least between the different
22 organizations, groups of people until -- but when he got
23 out of the prison in 2013, things changed. Did you
24 testify to something like that?

25 A. Can you repeat that?

1 Q. Well, so prior to around 2012-2013, things between,
2 you know, guys in the Six Mile area, Seven Mile area,
3 there was really no beefs or hostilities. Things were
4 relatively cool?

5 A. Yes.

6 Q. In fact, you hung out with Mr. Page, right?

7 A. Yes, sir.

8 Q. Neff?

9 A. Yes, sir.

10 Q. In fact, you know Jeffaun Adams?

11 A. Yes, sir.

12 Q. Were you aware that he and Mr. Page were arrested
13 together? They were driving and were pulled over and
14 arrested on a case together. Were you aware of that one?

15 A. No.

16 Q. But it wouldn't surprise you that somebody from
17 Seven Mile, such as yourself, were hanging with people
18 from Six Mile?

19 A. No, it wouldn't surprise me.

20 Q. Okay. So Billy gets out, and he's got some beefs
21 with the people, the Davis brothers, the Twins, is that
22 right?

23 A. I don't know the last name, but the Twins.

24 Q. He thinks that they set him up. It's because of
25 their testimony or something to that effect, he winds up

1 in prison for several years, correct?

2 A. Yes, sir.

3 Q. And he wants revenge on other people, right, like a
4 personal thing?

5 A. Yes, sir.

6 Q. And he -- he's kind of a hothead. Would you agree
7 with that?

8 A. Yes.

9 Q. He's your friend, right?

10 A. Yes, sir.

11 Q. But he's kind of a crazy guy, right?

12 A. That's not what you said at first. You asked me two
13 different questions.

14 Q. He's your friend, right?

15 A. Yes, sir.

16 Q. And he's still your friend, but he's kind of a crazy
17 guy?

18 A. You said hothead at first.

19 Q. I said what?

20 A. You said hothead at first.

21 Q. But I'm asking you, he's still kind of a crazy guy?

22 A. Yes, sir.

23 Q. And he would do crazy things that you wouldn't
24 necessarily agree with or approve of, right?

25 A. Yes.

1 Q. But at the end of the day, you've been together --
2 you've known him a long time. He's still your friend?

3 A. I haven't known him a long time.

4 Q. But he's still your friend on a personal level?

5 A. Yes, sir.

6 Q. He's out there raising hell at Somerset. Cool it.
7 Cool it. You can't do that stuff here, but he's still
8 your friend?

9 A. Yes.

10 Q. He goes out shooting, doing things that you didn't
11 authorize?

12 A. No, sir.

13 Q. You didn't tell him, let's take a vote. You go out
14 there, I endorse this. You didn't tell him to do that,
15 right?

16 A. No, sir.

17 Q. But he did it, right? He did things?

18 A. Yes, sir.

19 Q. He did things that you didn't approve of?

20 A. Yes.

21 Q. Things that you didn't endorse?

22 A. Yes, sir.

23 Q. But you know, Billy is Billy, right?

24 A. Yes, sir.

25 Q. If he came to you -- not saying that he would -- and

1 you had the money, because let's say you were able to
2 start a legitimate business, and you had maybe \$100,000,
3 and he says, Dip. I'm in this federal case. I need to
4 hire a lawyer. Can you stake me \$20,000, even today,
5 because of your loyalty to him and your friendship, you
6 probably give it to him?

7 **A.** I don't know about that. It depends on the
8 circumstances, but I would try to help him.

9 **Q.** You would try to help him. It has nothing to do
10 whether he is Seven Mile Bloods or anything else, but the
11 relationship that you have with him, correct?

12 **A.** No, I wouldn't say that just because -- this is
13 probably because of me.

14 **Q.** Because of you?

15 **A.** Yes.

16 **Q.** And you have that loyalty, that friendship that you
17 had developed with Billy over the years, right? You've
18 been through a lot together?

19 **A.** I wouldn't say that. We have now.

20 **Q.** So it's the same with a lot of these people that you
21 grew up over there on the east side. When you were coming
22 up over to Coram Street and all the other streets over
23 there, it was a neighborhood, right?

24 **A.** Yes, sir.

25 **Q.** Kids were out on the streets. You got to know them,

1 right?

2 A. Yes, sir.

3 Q. And as you got older, you guys hung together, and it
4 was not always about selling drugs or whatever you were
5 doing. You guys would play basketball?

6 A. Yes.

7 Q. Probably go restaurants or whatever, do things
8 together, right?

9 A. We went out to eat before, yes, sir.

10 Q. Looking for young ladies?

11 A. Yes, sir.

12 Q. In the beginning, you probably would go to each
13 other's birthday parties and things like that?

14 A. Yes, sir.

15 Q. As you got older, you did things together. You
16 would have parties together. It was not always about
17 selling drugs or doing things that were in violation of
18 the law, right?

19 A. Right.

20 Q. And just finally, I want to touch upon a couple of
21 things. You already testified that there was really not
22 an elected leader of anything called the Seven Mile
23 Bloods. You would agree with that?

24 A. Yes, sir.

25 Q. It was not something that you paid dues to, not

1 something where you had mandatory meetings, correct?

2 A. Correct.

3 Q. You started off and continued as a bunch of -- like
4 a social organization, social group of kids in the
5 neighborhood, neighborhood kids hanging together?

6 A. Can you repeat that?

7 Q. You were neighborhood kids hanging out together.
8 That's how it started?

9 A. That's how it started? How what started?

10 Q. You were on Coram Street. How old were you when you
11 moved over there?

12 A. Eleven, 12.

13 Q. Right.

14 A. No. I was 9-10. I was in fourth grade.

15 Q. You were not Seven Mile Bloods in the fourth grade?

16 A. No.

17 Q. You would meet other people and start hanging out
18 together, is that right?

19 A. Yes, sir.

20 MR. MAGIDSON: If I may have a moment, your
21 Honor.

22 Mr. Kennedy, I don't have any further questions.

23 THE COURT: All right. Thank you.

24 Mr. Feinberg?

25

CROSS EXAMINATION

BY MR. FEINBERG:

Q. Mr. Kennedy, you got arrested in West Virginia?

A. Yes, sir.

Q. And were you charged with a crime in West Virginia?

A. Yes, sir.

Q. Whatever happened to that criminal case in West Virginia?

A. It's on here.

Q. So you never went to court in West Virginia?

A. Yes, I did.

Q. It was dismissed?

A. No, it was dropped in the state level. The feds picked it up.

Q. That's what I'm saying. The state case in West Virginia that you were arrested for was dismissed because the feds took it over, correct?

A. Yes, sir.

Q. Okay. And what you did in West Virginia was part of the indictment here in Michigan, is that correct?

A. It is. Yes, sir.

Q. Okay. So you were extradited from West Virginia to Michigan, correct?

1 A. Yes, sir.

2 Q. You were brought here on what's commonly known as
3 ConAir. They flew you to Oklahoma City and from Oklahoma
4 City to Michigan?

5 A. Yes, sir.

6 Q. And as soon as you got to Michigan, you were taken
7 to court, correct?

8 A. Yes, sir.

9 Q. And you were arraigned in court?

10 A. Yes, sir.

11 Q. Okay. When did you get your attorney, that day or
12 sometime after that?

13 A. I got my attorney when I was still in West Virginia.

14 Q. Mr. Morris?

15 A. Yes, sir.

16 Q. Was he hired or was he appointed?

17 A. He was hired.

18 Q. Hired by your family or by you?

19 A. By me.

20 Q. I'm sorry?

21 A. By me.

22 Q. How did you -- was he on a retainer for you, so that
23 even before you got arrested in West Virginia, if you got
24 in trouble, he was there for you?

25 A. No, sir.

1 Q. How did you hire him if you were in West Virginia?

2 A. I hired him through people that I knew, people that
3 suggested him for me.

4 Q. And who paid him?

5 A. I paid him.

6 Q. How much did you pay him?

7 A. 9,000.

8 Q. To start?

9 A. To start.

10 Q. Okay. How did he get paid? How did he get the
11 money?

12 A. Cash, and the mother of my child dropped it off to
13 him.

14 Q. She was holding your money for you?

15 A. Yes, sir.

16 Q. Let me ask you a question. How many -- you have six
17 children, right?

18 A. Yes, sir.

19 Q. How many different women have birthed your children?

20 A. Four.

21 Q. Four women?

22 A. Yes, sir.

23 Q. How much was your baby's mama that was holding the
24 money, how much was she holding for you at that time?
25 This was 2016, right?

1 A. Yes.

2 Q. How much was she holding for you?

3 A. Maybe like 15,000.

4 Q. Where was the rest of your money?

5 A. Gone.

6 Q. I'm sorry?

7 A. It was gone.

8 Q. What happened to the assets that you had bought
9 during your drug dealings? You know what assets mean?

10 A. Yes, sir.

11 Q. Okay. Watches. How many watches did you have?

12 A. I had one watch.

13 Q. How many?

14 A. One.

15 Q. Was that the Breitling?

16 A. No. I lost the Breitling.

17 Q. How did you lose it?

18 A. I lost it. How do you lose stuff?

19 Q. I don't know. I never lost a \$10,000 Breitling.

20 A. I was robbed for it.

21 Q. You were robbed?

22 A. Yes, sir.

23 Q. Okay. Now did the watch that you showed on the
24 video, it had diamonds?

25 A. Yes, sir.

1 Q. And it was platinum, correct?

2 A. No, sir.

3 Q. White gold?

4 A. No, sir.

5 Q. What was it tin?

6 A. Silver.

7 Q. You're telling me that Breitling sells a silver
8 sterling, a silver watch with diamonds?

9 A. Rolex do.

10 Q. I'm sorry?

11 A. Rolex do. Everybody sell silver watches. Silver is
12 not -- you can put diamonds in silver.

13 Q. Where did you get it?

14 A. Got it from the jewelry store.

15 Q. Which one?

16 A. Mike's.

17 Q. Where?

18 A. Mike's.

19 Q. Mike's?

20 A. Yes, sir.

21 Q. What other kind of watch did you have when you got
22 arrested?

23 A. I didn't have no watch when I was arrested.

24 Q. You didn't have any kind of watch?

25 A. No, sir.

1 Q. How did you tell time?

2 A. I had -- that's crazy. Do you have a watch?

3 Phones, clocks, cars.

4 Q. Did you have someone around to tell you the time?

5 A. You not making sense. What you trying to do because
6 that don't make sense? Everybody don't own a watch and
7 can still tell time. Everything has time on it, clocks --

8 Q. Okay. I understand.

9 A. -- cell phones, cars.

10 Q. How about cars?

11 A. What do you mean cars? I had no cars.

12 Q. How many cars had you purchased during the -- your
13 hay day of making money?

14 A. Probably purchased a truck. I financed a lot of
15 cars.

16 Q. For you?

17 A. Yes, sir.

18 Q. Tell me all the cars that you bought.

19 A. Never bought a car.

20 Q. You said that you financed them?

21 A. Financed and bought is something different.

22 Q. Well, who did you finance the cars through?

23 A. Car lots.

24 Q. Okay. So you gave them -- you got the car in your
25 name, and gave them money and financed it?

1 A. No, sir. I financed cars through car lots, brokers
2 where you don't need no name. Just give them the money,
3 and they go get you the car.

4 Q. Were they your cars?

5 A. Technically they were my cars.

6 Q. Technically. Technically, tell me all the cars you
7 had in your hay day?

8 A. A 750.

9 Q. 750 BMW?

10 A. Yes, sir.

11 Q. Okay.

12 A. I had a Range Rover. I had Yukon, 2007 Yukon. I
13 had a 2007 Range Rover, and 2007 -- I believe it was a 07
14 Yukon Denali.

15 Q. Only three cars?

16 A. Yes, sir.

17 Q. What happened to them?

18 A. I lost them. I gave them back. The Yukon Denali
19 got stole. The Range Rover was somebody's else. So when
20 I got him the money, he basically had the tow truck man
21 come back and get it.

22 Q. So when you --

23 A. Like a broker deal.

24 Q. So when you were arrested in 2016, you had no assets
25 other than \$15,000?

1 A. And the money and the drugs that I got caught with
2 when I was arrested.

3 Q. But that was taken away from you?

4 A. Yes.

5 Q. Other than the money that was taken away from you
6 when you got arrested, the only money that you had over
7 all of these years was \$15,000 that one of your baby's
8 mama had for you, is that correct?

9 A. Yes, sir.

10 Q. Okay. And that's 100 percent the truth, right?

11 A. You said as of 2016?

12 Q. Yes.

13 A. When I got locked up?

14 Q. When you were locked up in West Virginia and
15 extradited to Michigan?

16 A. That's 100 percent the truth.

17 Q. Okay. And this is what you told the government?

18 A. I don't believe I told -- no. I had a girl owed me.
19 A girl owed me like \$8,000.

20 Q. Did you ever get that back?

21 A. Yes, sir.

22 Q. Okay. So 23,000?

23 A. Yes, sir.

24 Q. And 9,000 went to your attorney, right?

25 A. Yes, sir. At first, yes.

1 Q. I'm sorry?

2 A. At first, yes, sir.

3 Q. Did you tell the government that you had this money
4 when you first met them?

5 A. Yes, sir.

6 Q. You told them that you had money hidden away and
7 money that was owed to you?

8 A. Yes, sir.

9 Q. Well, one of the agreements that you signed was
10 forfeiture. You had to give up all of your assets,
11 correct?

12 A. Right.

13 Q. How much did you give the government?

14 A. No. You asked me --

15 Q. Did you give the government any money based on your
16 requirement for forfeiture?

17 A. You asked me a double question.

18 Q. I'm asking you this question. How much money did
19 you give the government?

20 A. When the government called me, I had no money to
21 give them. When I retained my lawyer, by the time they
22 got me -- you asked me how much did I give my lawyer to
23 retain him.

24 Q. Right.

25 A. Then you never asked me how much that I end up

1 giving him altogether before I got out of jail.

2 Q. Okay.

3 A. By the time I got out of jail I had nothing.

4 Q. How much money did you give him totally?

5 A. I was locked up for four months from August to
6 December 10th. By that time I gave him 15,000, and
7 Christmas, my kids and stuff, that money was gone. That
8 money was not there.

9 Q. Okay. So how are you living now?

10 A. I'm -- can you repeat that?

11 Q. Is that a tough question?

12 A. Yes.

13 Q. You don't remember the question?

14 A. You said how am I living now.

15 Q. Yes. Why do you need me to repeat it if you
16 remember the question?

17 A. Because --

18 Q. You need time to think about that --

19 A. No, I don't.

20 Q. -- answer?

21 A. No, I can answer it.

22 Q. Okay.

23 A. Somebody sent somebody to kill me when I was out,
24 since I've been out on bond.

25 Q. I'm asking you, how are you supporting yourself?

1 A. I'm trying to tell you.

2 Q. Okay. Tell me.

3 A. When since I've been out on bond, I was working at
4 my house on Coram. Somebody tried to come and kill me,
5 and the government gave me money to move.

6 Q. How much money did they give you?

7 A. 27,000, 26, 5. Something like that.

8 Q. Okay. That was to move, right?

9 A. Yes, and to live.

10 Q. That's two years ago?

11 A. No, not two years ago.

12 Q. When was it?

13 A. Not even six months. Maybe 4-5 months ago.

14 Q. After you got out of jail in December of 2016,
15 right?

16 A. Right.

17 Q. How did you live financially?

18 A. I lived in the basement. I had a job.

19 Q. Where were you working?

20 A. Precision, Inc.

21 Q. Where?

22 A. Precision, Inc.

23 Q. What's that?

24 A. It's like a place that make parts for Tesla cars.

25 Q. And from that money I assume you're paying child

1 support?

2 A. I took care of my kids.

3 Q. I understand. Right now how many warrants do you
4 have for felony non-support in Wayne County?

5 A. I don't have nothing from Wayne County.

6 Q. Where are your children?

7 A. In Wayne County.

8 MR. WECHSLER: Your Honor, could we have a
9 brief sidebar?

10 THE COURT: All right.

11 MR. FEINBERG: I'm not asking for a specific
12 address.

13 MR. WECHSLER: Can we have a brief sidebar?

14

15 (Sidebar conference held on the record.)

16

17 MR. WECHSLER: He's getting really close to
18 where he's living. I want to make sure that he stays away
19 from that, where the kids are living. He moved for a
20 reason, and he's starting to ask where he works, and
21 things like that. That's way too many clues.

22 MR. FEINBERG: Okay. I won't ask where he
23 works or lives.

24 MR. WECHSLER: Where the kids are. Not just
25 he works. I mean, what he does is fine.

1 **MR. FEINBERG:** I'll stay away from that. I
2 apologize if that causes you some problems.

3 **THE COURT:** Right.

4 **MR. WECHSLER:** Thank you.

5
6 (Sidebar conference concluded.)

7
8 **THE COURT:** You may continue.

9 **MR. FEINBERG:** Thank you.

10
11 **BY MR. FEINBERG:**

12 **Q.** You testified that you had a felony non-support
13 warrant. Where was that out of?

14 **A.** Macomb County.

15 **Q.** Is that case still pending?

16 **A.** Yes, sir.

17 **Q.** What's the status?

18 **A.** You ask me if it was still pending, and then you ask
19 me what's the status.

20 **Q.** Do you have court dates?

21 **A.** No, sir.

22 **Q.** How much do you owe them?

23 **A.** I don't know specifically.

24 **Q.** Did they order you to make payments?

25 **A.** No, they never order me to make payments. She had a

1 warrant. So she didn't want to go to down there. I asked
2 her asked her to go down there the last time to let them
3 know that I've been giving her money. She agreed to go
4 down there, but she told me that she had a warrant. The
5 last time she went down there, they locked her up.

6 Q. That's for how many children?

7 A. That's for one child.

8 Q. What about your other five?

9 A. I take care of my kids all the time.

10 Q. There's no Friend of the Court process on any of
11 those other children?

12 A. Probably is. If you get aid, it is Friend of the
13 Court.

14 Q. Are they getting aid?

15 A. That's not my business.

16 Q. I'm sorry?

17 A. That's not my business if they getting aid. That's
18 not something that you talk to with the mother of your
19 child. You make sure the child is all right. Her getting
20 aid for her stuff, how is that my business? How does that
21 make sense? What do these questions have to do with this?

22 Q. Does the mothers ask you for money to help support
23 the children?

24 A. And I give it to them if I have it. If I can get
25 it. I haven't had no money to give. When I have money, I

1 give it. You can only do what you can do.

2 Q. The money that you're making now, are you using that
3 money to pay any of the Friend of the Court in Macomb
4 County or the mothers?

5 A. I try to set up a court date with the Friend of the
6 Court. It is difficult. It's something that I can't
7 express in the courtroom. I'm pretty sure you know that.
8 I don't know if you trying to figure out where I live, if
9 your clients know where I live. I don't understand what
10 you trying to do.

11 Q. I don't care where you live. I'm asking you --

12 A. I haven't been in town.

13 Q. Mr. Kennedy. I'm asking, the money that you're
14 making --

15 A. Yes, I take care of my kids.

16 Q. -- are you making payments to the Friend of the
17 Court?

18 A. No, I'm not.

19 Q. When you -- how long did it take from the time that
20 you were arrested in West Virginia to get to Michigan?

21 A. Three and a half months.

22 Q. So the very first time you went to court on this
23 case was when, November, December?

24 A. November.

25 Q. I'm sorry?

1 A. November.

2 Q. You went to court, and no bond was given to you,
3 right? You were remanded to jail?

4 A. Yes, sir.

5 Q. Okay. You got a copy of the indictment at the time
6 that you were arraigned, correct?

7 A. Yes, sir.

8 Q. And they told you what the penalties were for all of
9 the crimes that you were charged with, correct?

10 A. Yes, sir.

11 Q. How many different counts -- how many different
12 charges in the indictment were you charged with?

13 A. Two.

14 Q. The first one was racketeering, RICO?

15 A. The RICO.

16 Q. And the second one, what was the second charge?

17 A. Felon in possession of a firearm in commission of
18 furtherance of violence, something like that. Conspiracy.

19 Q. And the RICO charge, how much time did that carry?

20 A. Life.

21 Q. And the felon in possession of a firearm during a
22 crime of violence, how much time did that carry?

23 A. I believe it was life too. I don't recall that.
24 Was it life?

25 Q. So when did you first start talking to your attorney

1 about cooperating?

2 A. When he came to talk to me.

3 Q. First time?

4 A. Face-to-face, yes, sir.

5 Q. The very first time that you spoke with Mr. Morris,
6 you were discussing you're desire to cooperate?

7 A. Yes, sir.

8 Q. Okay. And that was in order for you to help
9 yourself not to do life, correct?

10 A. Yes, sir.

11 Q. Okay. So I assume you directed Mr. Morris to
12 contact the federal authorities that it was your desire to
13 cooperate?

14 A. Yes, sir.

15 Q. Okay. At that particular time you didn't have any
16 of the discovery, the reports, the investigation that the
17 government had against you, is that correct?

18 A. Correct.

19 Q. Wasn't it -- weren't you curious to see whether or
20 not they had enough evidence to convict you before you
21 decided to cooperate?

22 A. Right.

23 Q. I'm sorry?

24 A. I was just scared.

25 Q. When you first met with the government and you

1 signed the agreement, you read the agreement, correct?

2 A. Yes, sir.

3 Q. This is before you gave any -- made any statements,
4 right?

5 A. When I read the letter.

6 Q. First, you read the letter, talked it over with your
7 attorney, signed it, and then made your first statement,
8 correct?

9 A. Correct.

10 Q. When you sat down with them, the government -- what
11 was the very first thing anyone said to anybody else after
12 you signed the agreement, and before you made the
13 statement? What was the first thing said?

14 A. After I signed the agreement, I just talked.

15 Q. Well, did they say just talk, or did they say Mr.
16 Kennedy, tell us everything that you know?

17 A. What's been going on out there. They didn't ask me
18 specifically about them. They asked me what's been going
19 on out there, like in the neighborhood and streets.

20 Q. Okay. So how they prompted you to make the first
21 statement was Mr. Kennedy, tell us what's going on out
22 there, correct?

23 A. No, what do you know.

24 Q. What do you know about what?

25 A. What's going on out there. It was something -- I

1 can't give you word for word what they said, like
2 specifically word for word, because then if I quote
3 something wrong or something wrong, they say I'm lying,
4 but basically what do you know about what's going on out
5 there.

6 Q. Among whom?

7 A. I mean --

8 Q. Did they say what's going on with the Tigers, Lions,
9 or did they say what's going on with the Seven Mile
10 Bloods?

11 A. They didn't say that. They say what's been going on
12 with all the shootings and killings going on out there.

13 Q. Do you know what they wanted?

14 A. Yeah, I knew what they wanted.

15 Q. What did they want it?

16 A. They wanted to know what's going on.

17 Q. Among who?

18 A. With the beefs and all the killings.

19 Q. Among whom? I mean, there's a lot of beefing and
20 killings throughout the city of Detroit, right, that had
21 nothing to do with your indictment, correct?

22 A. If I am on the case --

23 Q. Mr. Kennedy how --

24 A. You won't let me answer the question.

25 Q. How do you know they wanted you to talk about the

1 Seven Mile Bloods?

2 A. Because I know they don't want me to talk about
3 somebody that I can't tell them about nobody else because
4 I don't hang with those people.

5 Q. Did you or your lawyer talk about what they wanted
6 from you --

7 A. No.

8 Q. -- before you gave your first statement?

9 A. No.

10 Q. Okay.

11 A. Obviously, we didn't. He told me that I want you to
12 tell the truth. He told me don't lie, and whatever you
13 say, make sure it's the truth.

14 Q. Did he know that you have lied before, all of the
15 lies that you testified about yesterday, giving phony
16 names, things like that?

17 A. Probably not. I don't know. I don't know what he
18 know.

19 Q. You never told him that?

20 A. No, sir.

21 Q. Okay. So it was your understanding that they wanted
22 you to tell them what was going on out there. Did you
23 know the organization in which they wanted to know what's
24 going on out there? Just yes or no.

25 A. I can't answer that yes or no. It's not yes or no.

1 You trying to trap me in the question, and I'm not going
2 to let you do that because it's not a yes or no question.

3 Q. You think that I would try to trap you?

4 A. That's your job.

5 Q. Why?

6 A. It is not a yes or no question.

7 Q. Okay.

8 A. It's a trick question, because if I say yeah, then
9 you say they never said that. They said they wanted to
10 know about any killing, any murder, anything illegal that
11 happened, they wanted to know about it, period. I told
12 them all my life doing this since 2002-2003. We talked
13 for hours.

14 Q. Okay. The very first time you spoke for hours?

15 A. Hours. They didn't ask a question.

16 Q. So the very first time you spoke to them was on
17 December 5, 2016, is that correct?

18 A. I don't think so, no.

19 Q. Was it before that?

20 A. You said December 5th.

21 Q. December 5th.

22 A. Everybody else saying November.

23 Q. December 5, 2016?

24 A. Everybody else keep saying November 29th. When the
25 other lawyers asked me when I first talked to them, they

1 said it was November 29th. I don't know the date. The
2 end of November, beginning of December.

3 Q. Okay. So based on your recollection, the first time
4 you spoke to them was when, November 29th?

5 A. That's the date that everybody is saying.

6 Q. I'm not asking what everyone else said. How soon
7 after you were arraigned did you speak to the agents?

8 A. Maybe a week or two.

9 Q. I'm sorry?

10 A. Maybe a week. Maybe two.

11 Q. Okay. And that was the very first time that you
12 spoke to them, you said that you spoke for hours?

13 A. About three hours.

14 Q. Have you had an opportunity to read the report that
15 the government made for your first meeting?

16 A. Yes, sir.

17 Q. And how long was the report?

18 A. I don't recall.

19 Q. Okay. And who was taking notes during that first
20 meeting? Who was taking notes?

21 A. The agent.

22 Q. How did it start? What was the very first thing you
23 told them about what was going on out there?

24 A. I don't know. I don't recall that. I can't tell
25 you that, because if I said this was the first thing and

1 it wasn't, then you say I'm a liar. I can't tell you the
2 first thing that I said.

3 Q. You told him about --

4 A. I don't recall the very first thing that I said.

5 Q. You told them about when the first time you started
6 selling drugs, right?

7 A. I don't recall the first thing that I said.

8 Q. No, at any time during the first meeting?

9 A. Yes, sir.

10 Q. And you told them about all the people that you
11 associated with, is that correct?

12 A. You asking me did I tell them about what?

13 Q. Tell them about all the people that you ever
14 associated with out on the street from the time you
15 started selling drugs?

16 A. Probably -- no, I probably didn't tell them about
17 everybody.

18 Q. How did you know what to tell them as far as people?

19 A. I don't understand your question.

20 Q. You told them about people. How did you know that
21 they wanted to know about people that were in any group or
22 organization or association?

23 A. I assume because the case that I'm on. They wanted
24 to know about people that I hung with at the time.

25 Q. They never asked you about any specific person?

1 A. Yeah. At times they did, yes.

2 Q. When did that happen?

3 A. During the conversation they stop me and ask me
4 about something that I said or something like that.

5 Q. And each time that you were interviewed, did they
6 say, okay. Tell us more. Is that what -- how they got
7 that next -- all the meetings started?

8 A. No.

9 Q. How did it start?

10 A. Sometimes I remember stuff, and just call them and
11 tell them stuff, or they asked me about certain people and
12 ask me if I knew something.

13 Q. They specifically asked you about some people,
14 certain people, right?

15 A. I don't understand your question.

16 Q. Okay. Did they give you names that they wanted you
17 to tell them about?

18 A. No, it didn't go like that. When I told them about
19 some people, they would follow with questions about the
20 situation, or how did I know about the situation, or how
21 did the situation take place.

22 Q. Did they ask you about certain events that they were
23 interested in?

24 A. No, I don't recall that.

25 Q. They didn't ask you about any shootings?

1 A. They asked me about the shootings that I knew about.

2 Q. So they said, tell us about the shootings that you
3 know about. Is that how that was brought out?

4 A. No, it's not.

5 Q. So how did that happen?

6 A. When I was talking, and if I brought up a shooting
7 or something that happened, then they would ask me about
8 it.

9 Q. So you would -- things that you heard, you would
10 tell them about, is that right?

11 A. Things that I heard, saw, witnessed I would tell
12 them about.

13 Q. You testified once before today, correct?

14 A. Yes, sir.

15 Q. Okay. And how many more times do you expect to
16 testify?

17 A. I don't know.

18 Q. At least two or three more times, different trials?

19 A. That's something that I know. They never told me.

20 Q. Okay. You testified that you first heard about
21 something called the Seven Mile Bloods when you were
22 either in the sixth or eighth grade, is that correct?

23 A. Yes, sir.

24 Q. And how old were you in the sixth, seventh, eighth
25 grade?

1 A. Eleven, 12, 13.

2 Q. Were you selling drugs on the street by then?

3 A. No, sir.

4 Q. When did you start?

5 A. Probably when I dropped out of high school, about
6 tenth grade. Ninth, tenth grade.

7 Q. So when you first heard of a group called Seven Mile
8 Bloods, did you associate with any of them? Were you
9 friends with any of them?

10 A. I went to school with some of them. We played on
11 the same basketball team.

12 Q. At the age 13?

13 A. In the seventh grade. They was in eighth. I was in
14 the seventh.

15 Q. So people that were a year older than you, eighth
16 grade, they were in the Seven Mile Bloods?

17 A. I wouldn't say that. I would say after I was in the
18 eighth grade.

19 Q. I understand that.

20 A. You asked me did I know them before there was Seven
21 Mile Bloods. I knew them, but you asked me did I know
22 them.

23 Q. Yes.

24 A. And how did I know them?

25 Q. And you grew up with them?

1 **A.** Right, and before there was Seven Mile Bloods I knew
2 them. I'm not saying when we was in the sixth, seventh,
3 eighth grade they was walking around saying Seven Mile
4 Bloods. When I was in the eighth grade, they was probably
5 at the end of high school, most of them.

6 **Q.** When did you hear --

7 **A.** Eighth grade. Seventh, eighth grade.

8 **Q.** Let me ask the question. When did you hear that any
9 of your friends were associated with the Seven Mile
10 Bloods?

11 **A.** Seventh, eighth grade.

12 **Q.** Okay. So if you were in the eighth grade and they
13 were older, they would have been in the tenth grade?

14 **A.** Tenth, eleventh, yes, sir.

15 **Q.** That's when the Seven Mile Bloods started, according
16 to your knowledge, when your friends were maybe 15-16?

17 **A.** I can't answer to when they started.

18 **Q.** You have no idea where -- when it started or how it
19 started?

20 **A.** No, sir.

21 **Q.** Okay. The felon in possession of a firearm during
22 the crime of violence that has been since dismissed,
23 correct?

24 **A.** Yes, sir.

25 **Q.** The RICO charge that you were facing life, according

1 to the plea agreement now says 20 year max, is that
2 correct?

3 A. Yes, sir.

4 Q. Okay. Do you know how the amount of time was
5 determined as far as what your guidelines are?

6 A. Came about from the pills that people say they saw
7 me with, or seen them on text messages that people talking
8 about.

9 Q. The amount of drugs that --

10 A. That can account for, and the text messages where
11 people said they seen or saw me in that order, stuff like
12 that.

13 Q. None of the drugs that you were selling on Woodward
14 and Seward are part of the computation, right?

15 A. No, sir.

16 Q. None of the drugs that you were selling on Coram
17 were part of the computation, correct?

18 A. I was selling pills on Coram. So I would think some
19 of the drugs that I was selling on Coram accounted for it.

20 Q. Okay. And what about when you move to another
21 location, not Coram? Any of those drugs taken into
22 account?

23 A. Yes, sir.

24 Q. Okay. And what about all of the drugs that you were
25 selling in West Virginia?

1 A. No, sir.

2 Q. I'm sorry?

3 A. The drugs that I got caught with was taken into
4 account. The drugs that people say they seen at the house
5 while I was in West Virginia was taken into account. The
6 drugs that I texted was taken into account.

7 Q. During your lifetime of selling drugs, how much
8 money did you make?

9 A. I don't know.

10 Q. Over a million?

11 A. Yes, sir.

12 Q. Two million?

13 A. No, I can't -- I don't know. I've never seen it all
14 at once.

15 Q. What is the total amount that you yourself sold, not
16 sharing with anyone because you didn't share with anybody?
17 How much money did you personally make selling drugs?

18 A. I can't answer that. I don't know.

19 Q. But you said at least over one million?

20 A. I don't recall. I can't answer. That's guessing.
21 That's speculation. I can't guess to that. That's
22 guessing. I'm not going to answer that. I can't answer
23 that.

24 Q. Based on your best guess?

25 A. I can't. I don't have a best guess.

1 Q. Your best estimate?

2 A. I don't have one. I'm sorry. I can't answer.

3 Q. It was with a lot though?

4 A. I can't answer that.

5 Q. Did you ever give an estimate to the government how
6 much money you made over the lifetime of your drug
7 dealing?

8 A. I don't recall that. No, I don't think so.

9 Q. You were also selling drugs up in St. Clair County,
10 correct?

11 A. Yes, sir.

12 Q. Okay. And how much were you selling up there?

13 A. Probably like 8 balls and stuff like that. I don't
14 know. It was little.

15 Q. Little stuff?

16 A. Yeah. It wasn't nothing.

17 Q. How much, a 1,000 a week, 2,000 a week?

18 A. I wasn't there a month.

19 Q. So a 1,000, 2,000, 3,000?

20 A. Probably about -- you asking me to guess. I can't
21 guess that.

22 Q. When were you arrested in St. Clair County?

23 A. August -- August of 2009. August of 2009 or 10.

24 Q. You got probation?

25 A. No. No, I didn't.

1 Q. You got time?

2 A. Ten months.

3 Q. Prison or jail time?

4 A. Jail time.

5 Q. You were not put on probation?

6 A. I was put on probation after I came home and did
7 county time.

8 Q. How long was your probation?

9 A. Three or four years.

10 Q. I'm sorry?

11 A. Three or four years.

12 Q. And how many violations or probation warrants were
13 issued against you out of the St. Clair County case?

14 A. One.

15 Q. What was that for?

16 A. Failure to --

17 Q. I'm sorry?

18 A. Missing two consecutive reports I believe. I missed
19 two in a row. When you miss two in a row, it is
20 automatic.

21 Q. What happened to you?

22 A. No transportation.

23 Q. What happened to you on the violations, or are they
24 still pending?

25 A. No, I did it. They gave me 65 days -- 60 some days,

1 took off 30 days if I pay \$1000, and I went from the end
2 of March of 2015 to beginning of April, first week of
3 April 2015 -- May. Beginning of May 2015.

4 Q. Had you ever been in prison? Not jail, but prison?

5 A. No, sir.

6 Q. And you certainly want to do anything and everything
7 you can not to go to prison?

8 A. No, I wouldn't do anything or everything.

9 Q. Well, you were facing up to life, correct?

10 A. Up to life. So you make it seem like -- correct,
11 sir.

12 Q. Were you facing up to life, correct?

13 A. But --

14 Q. Yes or no.

15 A. No, I wasn't.

16 Q. The maximum --

17 A. It's the guidelines.

18 Q. I understand. But the maximum penalty for the
19 crimes in which you were indicted for carried up to life?

20 A. I was facing 14 and a half years. I was not facing
21 life.

22 Q. What about for the crime of violence, what were the
23 guidelines for that?

24 A. They didn't give me no guideline for that.

25 Q. Because you copped out before you could figure out

1 how much time you would have to serve?

2 A. Yes, sir.

3 Q. But up to life at the time?

4 A. Fourteen and a half years is what they told me.

5 Q. Who told you that, the feds?

6 A. The paper. The paper that they gave me said 140 to
7 170 some months.

8 Q. That's the papers that the federal government gave
9 you?

10 A. Yes.

11 Q. Before that when you were arraigned, did it say that
12 you were facing up to life on both of the charges?

13 A. It could be up to life.

14 Q. Okay. And you say that you would not do anything
15 and everything in order not to do life?

16 A. When you say everything and anything --

17 Q. Yeah, like lie.

18 A. I would -- honestly sir, if I could, I would. I
19 would. I would lie not to do life, but I'm not lying.

20 Q. I understand. You would lie if you could, right?

21 A. But I'm not lying.

22 Q. Yes or no. That's what you just said?

23 A. To --

24 Q. Yes or no.

25 A. Yes, I said that.

1 Q. Okay. And one of the ways -- well, it is your
2 understanding that it's the government who was going to
3 decide whether or not they think you're telling the truth
4 in order for you to get what you pled guilty to, and the
5 cooperation agreement, correct?

6 A. No, sir.

7 Q. It's up to them?

8 A. No, sir, through the investigation. They know if
9 I'm lying or not.

10 Q. Mr. Kennedy --

11 A. You keep asking me a rhetorical question, a question
12 that's got two meanings. They know if I am lying. They
13 know. They know everything. You think we all sitting
14 here for no reason, or they just picked them -- us?

15 Q. Who makes the decision to make the recommendation
16 for reduction in sentence?

17 A. Who makes the recommendation?

18 Q. Yes.

19 A. The prosecutors.

20 Q. Okay. So they make the recommendation if they think
21 you're telling the truth, correct? Yes or no.

22 A. Yes, sir.

23 Q. Okay. And one of the ways that they can help
24 determine whether or not you're telling the truth about --
25 not just everything, but maybe some specific things, is to

1 polygraph you. You know what a polygraph is?

2 A. Yes, sir.

3 Q. A lie detector test?

4 A. Yes, sir.

5 Q. At no point in time, from the time that you decided
6 to cooperate up until now, has anybody said to you we want
7 to polygraph you on a specific question?

8 A. I offered to take that polygraph. I take one for
9 you if you want me to. I'm not lying.

10 Q. Nobody has asked you to take a polygraph?

11 A. No.

12 Q. Okay. Did you ever tell the government that you
13 would lie if you could?

14 A. No, it is a question that you asked. You asked
15 me -- you said would I do anything not to go to jail for
16 life. Who wouldn't do anything not to go to jail for
17 life? That's just a question. But would I lie to the
18 federal government not to go to jail to do life, and they
19 find out I'm lying, and they give me even more time would
20 be the dumbest thing to do ever. I don't want to lie on
21 these guys. I don't even want to do this. I do what I
22 have to do to safe myself and my family. I'm not proud
23 for what I'm doing. I feel bad, but I'm not going to lie
24 on them. I never lied on them. I'm not lying on them.
25 Nothing that I said is a lie.

1 Q. Would you do anything in order to not do life to
2 protect you --

3 A. I'm being honest. I'm being honest. In the
4 position that I was put in and as a criminal, yes, if I
5 could lie to get away from the police about my name, yes,
6 I have lied to get away from the police. That's what I
7 was doing. I was doing criminal activities, but I'm not
8 going to sit up and lie to the federal government, and
9 then they find out I'm lying. Then I just -- now I'm a
10 snitch and I go to jail for the rest of my life.

11 Q. Of course, you would never do anything like that --

12 A. No, that's dumb.

13 Q. -- not to protect you and your family?

14 A. I wouldn't make up a story on them.

15 Q. Okay. When did you first meet R.O.?

16 A. 2004-5, sir.

17 Q. Where was that?

18 A. In the neighborhood, just being in the neighborhood.

19 Q. Which neighborhood?

20 A. Red Zone, Coram and Manning.

21 Q. How was it that you met him?

22 A. Just being around. Just seeing him in the
23 neighborhood being around.

24 Q. How old were you?

25 A. Probably fifth, sixth grade. Fourth, fifth, sixth

1 grade. I think I met him at a park or carnival the first
2 time I ever saw him.

3 Q. Well, just hanging out having fun, right?

4 A. Yeah.

5 Q. Not beating up anyone, shooting anybody, selling
6 drugs, anything like that?

7 A. No, sir.

8 Q. Okay. Did you know where he lived at that time?

9 A. Yes, sir.

10 Q. Where?

11 A. On Manning.

12 Q. During one of your statements, you made a statement
13 saying that you would see Mr. Brown on Manning street, is
14 that correct?

15 A. Yes, sir.

16 Q. Of course, he lived on Manning. You would expect
17 him to be on Manning, the street that he lived on?

18 A. Yes, sir.

19 Q. Okay. Where were you living at the time?

20 A. I was living on Coram.

21 Q. How far is Coram from Manning?

22 A. It's three blocks south, six, seven blocks west --
23 five, six blocks west.

24 Q. Were you on Manning to sell drugs?

25 A. No, sir.

1 Q. Ever sell drugs on Manning?

2 A. No, sir.

3 Q. Was he older than you?

4 A. Yes, sir.

5 Q. How much older?

6 A. I don't know, sir.

7 Q. Were you just acquaintances, say hello, or were you
8 friends?

9 A. We was acquaintance. He was older. He was probably
10 16-17, and I was probably 12-11. He would not hang with
11 11-12 year old when 16-17. I would not say that we were
12 hanging.

13 Q. Just to say hello, right?

14 A. Yes, sir.

15 Q. And did you ever become friends with him?

16 A. At a point.

17 Q. Not acquaintances?

18 A. I said at a point, yes, sir.

19 Q. How was it that you became friends with Mr. Brown?

20 A. Through being in the same neighborhood. Seeing him
21 a lot, being around him.

22 Q. Again, playing ball, going to the parks, going to
23 carnivals, things like that, correct?

24 A. Yes, sir.

25 Q. When did you become associated with Seven Mile

1 Bloods?

2 A. When I actually started hanging with them every
3 single -- like more times than not was in 2011-12.

4 Q. Did you become a member or just hung out?

5 A. Hung out.

6 Q. Did you ever become a member?

7 A. No, sir.

8 Q. Ever become a member of the groups associated with
9 Seven Mile Bloods, 55?

10 A. Yes, sir.

11 Q. And how did you become a member of 55?

12 A. It just something that we sat around and made up one
13 day.

14 Q. Who?

15 A. Everybody.

16 Q. Who's everybody?

17 A. Me, Block, Chino, Grymee. It was a few of us. I
18 don't recall everybody that was there.

19 Q. Not Mr. Brown?

20 A. No, sir.

21 Q. Okay. The people that you just mentioned, they were
22 Seven Mile Bloods, and then they later decided to become
23 55?

24 A. Yes, sir.

25 Q. Okay. And they asked you or you asked them to

1 become part of their group?

2 **A.** It wasn't like nobody asked nobody. It was all
3 agreed upon, and then the longer -- the more it became
4 popular from videos like you just saw, and doing certain
5 stuff, everybody wanted to be in it.

6 **Q.** And those were the people that you really started
7 hanging around with, correct?

8 **A.** Those were the people? Who are those people?

9 **Q.** People that you mentioned that became 55's?

10 **A.** Uh-huh.

11 **Q.** Those were the people?

12 **A.** I hung with everybody. Because -- just because you
13 wasn't 55 don't mean I won't hang.

14 **Q.** You hung out with them more than anybody else, is
15 that correct?

16 **A.** No, I wouldn't say that.

17 **Q.** Okay. So some of the people that you hung around
18 with were not affiliated with any SMB or 55's or Hobsquad
19 or any of those groups?

20 **A.** Some of the people that I hung around with, no.

21 **Q.** They were just neighborhood friends?

22 **A.** Or new friend.

23 **Q.** New friends, right. You didn't not want to be with
24 people who were not part of 55's, right? You didn't say,
25 if you're not a 55, I can't be my friend?

1 **A.** No, I didn't say that.

2 **THE COURT:** Okay. Let's take a break.

3

4 (Jury excused at 10:12 a.m.)

5

6 **THE COURT:** Do any defendants need to use the
7 facilities? Any of the defendants need to use the
8 facilities? All right. We'll make it a longer break.

9

10 (Recess taken at 10:13 a.m.)

11

12 (Proceedings held with jury at 10:40 a.m.)

13

14 **THE COURT:** You can take a seat, and you may
15 continue, Mr. Feinberg.

16

17 **BY MR. FEINBERG:**

18 **Q.** Just to sidetrack a little bit, the testimony that
19 you gave concerning the party that was shown to you on the
20 video, Mr. Brown wasn't there, was he?

21 **A.** Yes, he was.

22 **Q.** He didn't show up on the screen?

23 **A.** He worked the door that night.

24 **Q.** I'm sorry?

25 **A.** He worked the door that night.

1 Q. At the club?

2 A. I paid him, yes, to receive the money at the door
3 that night. He was there.

4 Q. You paid him to be at the door?

5 A. Yes, sir.

6 Q. How much did you pay him?

7 A. We never got the money because the fight ensued,
8 including Mr. Brown and Jig and a bunch of other people.

9 Q. I'm talking about the one that was on the video.

10 A. The one on the video, he was there. He was working
11 the door.

12 Q. Yeah.

13 A. He was working the door. That's why you didn't see
14 him in the club. He was working the door. He was there.

15 Q. Did you tell the government that he was at the club
16 working the door?

17 A. They never asked me about it. I really forgot about
18 that video.

19 Q. So he is not on the video, but you have a distinct
20 memory that he was there?

21 A. I dropped him off first earlier that day, about 9:30
22 when the club first opened. He asked me if he would make
23 money for working the door, and I paid him to work the
24 door.

25 Q. But you never paid him?

1 A. No, I never paid him.

2 Q. Even after, the day after?

3 A. I never got paid. Nobody got paid.

4 Q. You had a bag of money?

5 A. Right.

6 Q. You didn't give the doorman any money from the bag,
7 these big stacks of money?

8 A. No, sir.

9 Q. Okay. So you became a member of 55 in 2012-2013?

10 A. Yes, sir.

11 Q. How old were you then?

12 A. Twenty-six.

13 Q. I'm sorry?

14 A. Twenty-six.

15 Q. Up until then you would just socialize with various
16 people in the organizations, but you weren't the member,
17 correct?

18 A. Correct. Correct, sir. Yes, sir.

19 Q. Did you ever associate -- were you ever -- when did
20 you become, if you ever did become, friends with Mr.
21 Brown?

22 A. He use to always stop at my house, come over to my
23 house.

24 Q. I'm sorry?

25 A. He always use to stop at my mother's house. I go to

1 his house. I mean, go in the neighborhood, I see him all
2 the time. We all from the same neighborhood. I guess we
3 been friends.

4 Q. He was at your house on Coram?

5 A. Yes, sir. He stop there at times when I was not
6 even there.

7 Q. And you went to his house?

8 A. I wouldn't say his house, but I went to the block
9 that he stayed on.

10 Q. Never go to his house?

11 A. Yes, I been to his house before.

12 Q. On Manning?

13 A. I don't know if -- no, I don't recall going to his
14 house on Manning. No, sir.

15 Q. What house do you remember?

16 A. The one in Warren. He use to have another one on
17 the west side somewhere. I been there a couple of times.

18 Q. Were you invited or you just showed up?

19 A. I was invited. I didn't know where he live at if I
20 wasn't invited.

21 Q. Did you watch TV, watch ballgames?

22 A. Play games, the video games.

23 Q. Do you remember what year this was?

24 A. 2015.

25 Q. Prior to 2015, you weren't that close of a friend?

1 A. 2013-2014 I been to his house when he stayed on the
2 west side.

3 Q. So 2013, you say you became friends with him?

4 A. You see, you keep putting your questions together.
5 You ask me one question, and then you add on another
6 question at the end, and you ask me when I go to his
7 house, and you ask me, is that when you became friends.
8 No, that's not when he became friends. That's not what I
9 meant. I been knowing R.O. since 2005-2006.

10 Q. I understand. You already testified to that. I'm
11 talking about --

12 A. But you keep asking me --

13 Q. -- the type of friends that you would go and hang
14 out and watch TV, and play games?

15 A. That's some of the stuff that we did.

16 Q. 2013, 2014, 2015?

17 A. 2007, 2008, 2009, sometimes I would see them. Yes,
18 we did stuff like that. We did normal stuff. It wasn't
19 always --

20 Q. Normal stuff. 2007. What kind of normal stuff?

21 A. Just normal stuff.

22 Q. Like what?

23 A. Just like normal stuff, watch TV, play -- chill
24 outside, smoke, have a drink, chill.

25 Q. You went to West Virginia the first time around

1 2008-2009?

2 A. No, sir.

3 Q. When did you go to West Virginia?

4 A. 2012.

5 Q. So if you said 2008-2009 that was a mistake?

6 A. I never said 2008-2009. That's you saying that. I
7 never said that. The transcripts. Check them.

8 Q. So the first time you went to West Virginia was
9 2012?

10 A. West Virginia, yes.

11 Q. You got a place in West Virginia, your own place
12 around March 2013?

13 A. Yes, sir.

14 Q. Okay. Mr. Brown never had a place in West Virginia,
15 did he?

16 A. Not that I know of.

17 Q. And, of course, you know everything? If you don't
18 know it, then he must not ever have had it?

19 A. I don't know everything.

20 Q. Other than the watch that you had, you had other
21 jewelry, right?

22 A. Yes, sir.

23 Q. When you first -- after you made your first
24 cooperation statement, you were released out on bond?

25 A. After December 5th?

1 Q. December 2016?

2 A. Yes, sir.

3 Q. So you only spent probably less than a month in
4 Detroit after you came back from West Virginia before you
5 got out on bond, right?

6 A. Correct.

7 Q. Okay. And when you first got out, you were on a
8 tether?

9 A. Yes, sir.

10 Q. Yes?

11 A. Yes, I was on a tether.

12 Q. It was a personal bond. You didn't have to come up
13 with any money, right?

14 A. Right.

15 Q. The night that you testified to that Block and Sonny
16 was in -- that was in a strip club?

17 A. Yes.

18 Q. To the best of your knowledge?

19 A. Yes.

20 Q. That wasn't the strip club that the video was in,
21 was it?

22 A. No, sir.

23 Q. Okay. That was a different -- a different club?

24 A. Yes, sir. You just asked me that.

25 Q. You said that there was a fight at the club that the

1 video was shot at?

2 A. Yes, sir.

3 Q. You were called to go to the strip club where the --
4 where Block was hit in the head. Do you remember that?

5 A. I wasn't called to go nowhere. I was informed that
6 Block and Sonny up there fighting, yes, sir, and I
7 proceeded up there.

8 Q. And you were told that he was hit in the head with a
9 bottle?

10 A. I don't believe that I was told that at that time
11 that he was hit in the head with a bottle. I was told
12 that he was up there. I was not told the specifics.

13 Q. And you went there to help?

14 A. Yes, sir.

15 Q. In any way that you could help?

16 A. Yes.

17 Q. Fight?

18 A. Yes, sir.

19 Q. Hurt someone, kill someone, whatever needed to be
20 done?

21 A. I didn't go up with a gun.

22 Q. You didn't?

23 A. If I did have a gun -- and I said a million times I
24 had a gun in the courtroom -- if I had a gun there, I
25 would say that I had a gun there.

1 Q. Mr. Kennedy, you can kill someone without a gun,
2 can't you?

3 A. Yes.

4 Q. You can a break a bottle, cut their neck?

5 A. Yes.

6 Q. And you would have done anything, including hurting
7 or killing someone to help Sonny or Block if, in fact, you
8 needed to, right?

9 A. Yes, sir.

10 Q. Okay. You also testified that were you in West
11 Virginia, and you came back a week later because you had a
12 probation violation case in St. Clair County, correct?

13 A. Yes, I had a court date to go in front of the judge
14 for probation violation.

15 Q. And that was for a violation?

16 A. Yes.

17 Q. Because you didn't show up when you were suppose to.
18 You missed appointments, right?

19 A. Yes. Yes, I missed.

20 Q. So there was a warrant out for your arrest?

21 A. Yes, sir -- no, it was not a warrant out for my
22 arrest. I was out on bond.

23 Q. Right. And because there was a probation violation,
24 there was a warrant out for you?

25 A. Because there was a probation violation it was a

1 warrant out are for my arrest. Then I went --

2 Q. I understand. I said there was a warrant out for
3 you, is that correct, for probation violation?

4 A. Yes, it was a warrant out for me.

5 Q. Okay.

6 A. That was --

7 Q. That's the only question that I asked. There was a
8 warrant out for you?

9 A. Yes, sir.

10 Q. Are you getting frustrated because I'm asking you
11 questions --

12 A. Because you're asking me double questions.

13 Q. -- and I want your answers without repeating the
14 questions that I'm asking you?

15 A. No, because you ask me a question, and then you
16 throw another question in there just to make it seem like
17 I'm answering that question. I'm answering one question
18 at the time. You asking me double questions every time.

19 It was a warrant. Then I went to jail, and I
20 bonded out. So when I was going to court, I was out on
21 bond. I was not going for a warrant. I was just to go to
22 court.

23 Q. Out of the goodness of your heart because you were
24 an honest citizen?

25 A. I had to deal with the situation, but it was no

1 warrant.

2 Q. And you know how to deal with situations, right?

3 You know how to deal with legal situations?

4 A. I don't understand that. You being funny.

5 Q. Every time you have a legal problem, you know how to
6 deal with it, either lie to the police --

7 A. Evidently, I don't because I always got legal
8 problems. I don't have legal problems for a long time. I
9 wouldn't say that I know how who deal with it.

10 Q. 2016 was a long time ago that you had a legal
11 problem, right?

12 A. 2016?

13 Q. Yes, when you got arrested in West Virginia?

14 A. Yes, sir.

15 Q. Okay. So when you came back, you heard that Smoke
16 had been shot?

17 A. I heard Smoke was shot when I was in West Virginia.

18 Q. Right. When you came back, not only did you go to
19 St. Clair County to get that straighten out, you went
20 looking for people who shot Smoke, right?

21 A. Yes, sir.

22 Q. Okay. And there were two different cars of people,
23 correct?

24 A. Yes, sir.

25 Q. Okay. And what you did was, you were going hunting,

1 correct?

2 A. Yes, sir.

3 Q. And some of the people that were in your car and
4 other cars had guns?

5 A. Yes, sir.

6 Q. And you were going to assist them if you found the
7 person that shot Smoke in killing that person, correct?

8 A. Yes, sir.

9 Q. You were going to aid and abet those people with
10 killing the person who shot Smoke, right?

11 A. Yes, sir.

12 Q. After Block was killed -- do you remember when that
13 was?

14 A. It was April.

15 Q. What year?

16 A. 2015.

17 Q. You were in jail?

18 A. Yes, sir.

19 Q. Okay. You came out of jail, and you went to the
20 viewing or the memorial, correct?

21 A. The viewing, yes, sir.

22 Q. That was to pay tribute to your friend Block, right?

23 A. Yes, sir.

24 Q. And then a bunch of his friends went to -- you say
25 R.O.'s house, is that right?

1 A. Yes, sir.

2 Q. That was 2015. What was your relationship with R.O.
3 in 2015 around April, May 2015?

4 A. We was cool.

5 Q. What does that mean?

6 A. It was cool. We was friends.

7 Q. In what way were you friends? Would you go out to
8 dinner, go out with women?

9 A. We never double dated or went out to dinner and
10 stuff. That's just not something that grown men do all
11 the time go out to dinner together.

12 Q. You think that's something that's not masculine?

13 A. You said go out dinner. Everything you keep saying,
14 go to dinner. You're not going to go out to dinner with
15 your friend, no man all the time.

16 Q. I didn't say all the time.

17 A. That's what you keep saying.

18 Q. Did you ever go out to dinner with him?

19 A. It is what you're saying.

20 Q. I'm sorry?

21 A. It is what you're saying. Check it. Every time you
22 say something, out to dinner, play games, watch TV.
23 That's just not nothing me and dudes -- we don't go in the
24 house and oh, let's watch TV. Let's watch soap operas.
25 Let's go out to dinner and get something to eat.

1 Q. What's your favorite soap opera?

2 A. I don't watch soap operas, sir.

3 Q. When you watch TV with your friends, what do you
4 watch?

5 A. The TV might be on playing when we talking. It just
6 not sitdown and watch TV.

7 Q. It's not something that you do?

8 A. I mean, if the TV on and it's a good show on, we
9 look up, glance at it, watch it, start talking when the
10 commercials come on, stuff like that, but not just sitting
11 there and watching a movie, eating popcorn and chilling.

12 Q. So when you say you went to R.O.'s house after the
13 viewing, you weren't the only one there. There were a
14 number of Block's friends who were there, correct?

15 A. Correct, sir.

16 Q. How many of Block's friends were at R.O.'s house,
17 15, 20?

18 A. Maybe eight to ten, 12.

19 Q. Would you say that it was like reminiscing about
20 Block? People would go there and talk about him, say how
21 sad they were, that type of thing?

22 A. Yes, sir.

23 Q. It was like a memorial?

24 A. Yes.

25 Q. A tribute to Block by his friends?

1 A. Yes, sir.

2 Q. Okay. You're saying that when you got to the house,
3 Billy Arnold motioned you to come downstairs, correct?

4 A. Yes, sir.

5 Q. And at first you said it was only Billy Arnold and
6 R.O. that was in the basement, right?

7 A. No, I think at first I said it was Teisha, me,
8 R.O. --

9 Q. That was on cross examination. On direct
10 examination you first said it was you, R.O. and Billy
11 Arnold?

12 A. Right. I said -- you said the first time I ever
13 spoke about it, I said it was -- I said no. I think on
14 paper the first time I ever spoke about it -- the first
15 time I ever spoke about it, I said Teisha, R.O., Bill -- I
16 mean, Bo and Killa.

17 Q. Who's Bo?

18 A. R.O.'s cousin.

19 Q. I'm sorry?

20 A. R.O.'s cousin.

21 Q. You don't know his name?

22 A. No, sir.

23 Q. Was he Seven Mile Bloods or 55 or anything like
24 that?

25 A. He was associated.

1 Q. When you say "associated", you just found out?

2 A. He was around.

3 Q. Occasionally?

4 A. Occasionally.

5 Q. Not an awful lot?

6 A. No.

7 Q. Not someone that you would particular would confide
8 really serious stuff that you ever done to him, correct?

9 A. Yeah, I talk to Bo a couple of times, but no. Bo
10 kind of --

11 Q. Not those kind of things?

12 A. No. Me and Bo was not close. Teisha --

13 Q. What about Teisha? What about her? Was she someone
14 that hung around?

15 A. Teisha been around forever.

16 Q. Was she the kind of person that you would tell -- or
17 the other people would tell real, real dark illegal
18 things?

19 A. Yes, she was.

20 Q. Why?

21 A. She was because -- she was that type. She was a
22 person that been around forever, before me.

23 Q. Did you ever tell her all the criminal activities
24 that you participated in?

25 A. No.

1 Q. Okay. Did you ever see other people or hear other
2 people in your presence tell her real serious criminal
3 activities that they participated in?

4 A. I told you we was talking. It wasn't like Teisha
5 and Bo was standing there listening. They was passing
6 through. We was blocking the stairs.

7 Q. Mr. Kennedy, I asked you the question.

8 A. You won't let me answer.

9 Q. Other than this alleged incident, did you ever see
10 or --

11 A. No.

12 Q. -- anyone tell Teisha any real, real important
13 things that they may have done criminally?

14 A. She been around when we talk about criminal stuff.
15 She always been around.

16 MR. WECHSLER: Your Honor, can I just say one
17 thing? Mr. Feinberg seems to be asking one question, and
18 then he does change it to a second question. Mr. Kennedy
19 wants to answer the first question, that's fine, but then
20 Mr. Feinberg says he's not answering that question, and
21 repeats a different question.

22 So I understand that Mr. Feinberg can ask whatever
23 he wants he, but I would ask the Court to instruct him to
24 allow the witness to answer one question at the time
25 before he changing it.

1 **MR. FEINBERG:** If he's answering the question
2 that I ask him, I have no problem with that. The only
3 time I have a problem with it is if I ask him a question,
4 and he's answering something else, but I will try.

5 **THE COURT:** The problem for Mr. DiBartolomeo
6 is that you're stepping on the witness' words, and you're
7 not allow him to finish, and he can't -- I can only
8 imagine what the record looks like.

9 **MR. H. SCHARG:** We see it everyday.

10 **THE COURT:** All right. Go ahead.

11

12 **BY MR. FEINBERG:**

13 **Q.** What's Teisha's real name?

14 **A.** I don't know her real name.

15 **Q.** Did you give her name to the authorities?

16 **A.** Like I said Teisha.

17 **Q.** Did you at one time give her full name?

18 **A.** I think -- I don't recall giving her full name. I
19 don't recall it.

20 **Q.** So what you're saying is Billy Arnold and R.O. are
21 in front of Teisha, Bo, and you were talking about real,
22 real serious criminal activity that they had participated
23 in, correct?

24 **A.** I'm saying they were passing through. We was
25 blocking the steps. They stopped, listen for a second.

1 They was passing through. We was blocking the basement
2 steps. There was rooms in the basement I guess. They was
3 passing through getting stuff, going back and forth
4 outside while we was talking.

5 Q. They were not talking to you specifically about
6 that?

7 A. Teisha and Bo was not talking to me, period. Killa
8 and R.O., we was down there together.

9 Q. The three of you?

10 A. We were in the conversation. They kept passing
11 through getting stuff.

12 Q. I understand. What I'm asking you, Billy Arnold and
13 R.O. specifically told you --

14 A. R.O. didn't say nothing.

15 Q. -- bad things that they had allegedly done?

16 A. R.O. doesn't say nothing at the time -- at the time
17 we was in the basement.

18 Q. That's when you say that you heard them say certain
19 things when in the basement?

20 A. That is not what I said. I said that Billy Arnold
21 told me come in the basement. He said come here, and then
22 he proceeded to talk. R.O. didn't say nothing in the
23 basement.

24 Q. So Billy Arnold told you after he asked you to come
25 down the basement, some real serious criminal activity

1 that he participated in?

2 A. Yes, sir.

3 Q. Just to make sure that you knew what was going on?

4 A. Yes, sir.

5 Q. Because you were a very close confidant of Billy
6 Arnold?

7 A. No, he was mad because I was not answering my phone.

8 Q. So he was so mad at you, I'm going to get back at
9 you. I'm going to tell that you I killed someone?

10 A. No, he was talking out of anger and doing a whole
11 bunch of other stuff. He was bragging. He was bragging.
12 That's what they do, brag. He was bragging about the
13 murders. So what you trying to say? They was bragging
14 about it. He was happy that he got revenge for one of his
15 friends.

16 Q. Okay. March 2015, you say that you were with R.O.
17 watching TV, correct?

18 A. End of February, beginning of March, yes, sir.

19 Q. Well, you said March 2015?

20 A. Yes, early March.

21 Q. 2015?

22 A. Yes, sir.

23 Q. And watching the TV?

24 A. Yes, sir.

25 Q. Where?

1 **A.** At R.O. house.

2 **Q.** Which house?

3 **A.** In Warren.

4 **Q.** Anybody else there?

5 **A.** Me, him, the mother of my child. I don't recall who
6 else there was.

7 **Q.** Who is the mother of your child?

8 **A.** Mother of my child.

9 **Q.** I'm sorry?

10 **A.** The mother of my child.

11 **Q.** Who was this? What's her name?

12 **A.** Tiara. Why do I have to answer that?

13 **Q.** Because I asked you the question?

14 **A.** Because people trying to kill me. I don't know if
15 your client is the one sending them or who.

16 **MR. FEINBERG:** Your Honor, would you direct
17 the witness to answer my question? I asked him who is the
18 mother of the child that was at R.O.'s house allegedly
19 watching TV in March of 2015.

20 **THE WITNESS:** That's a personal question.
21 People are trying kill me, making threats and everything
22 about this case, and I don't want to expose my family to
23 this. No, I don't. When they sitting right there and get
24 on the phone and tell people in court, and people in court
25 know where my family stay, no, I do not want to answer

1 that question.

2 **MR. WECHSLER:** Perhaps initials. Maybe the
3 first initial. I know the first name came out, but maybe
4 that could be the end of the questioning.

5 **THE COURT:** All right.

6
7 **BY MR. FEINBERG:**

8 **Q.** Did you tell the agents that on that particular
9 occasion that the mother of your child was with you?

10 **A.** I don't recall telling them that. I know she the
11 one that took me over to R.O. house.

12 **Q.** Okay. So here it is March 2015, and you're watching
13 TV at R.O.'s house. Why do you keep looking at the
14 defendants?

15 **A.** The defendants is sitting here staring at me, and
16 trying to intimidate me. You don't see that, but you see
17 everything that I do. What you trying to do be funny?

18 **Q.** Try to look at me, if you can, if you want to.

19 **MR. WECHSLER:** Can we talk briefly at
20 sidebar?

21
22 (Sidebar conference held on the record.)
23

24 **MR. WECHSLER:** So I do want to make a record.
25 They are laughing the whole time during his testimony.

1 Fisher has been staring at him since he walked in the
2 room. R.O. keeps shaking his head.

3 **MR. H. SCHARG:** I told him he could look at
4 him, yes, if that's what confrontation is. He's not --
5 there's no threatening. Looking at a witness is not
6 threatening. Do you want him not to look at him? I'll
7 instruct him, but there's no threat.

8 **THE COURT:** There's looking at him and
9 staring, and I think it is crossing the line.

10 **MR. H. SCHARG:** Okay.

11 **THE COURT:** It wasn't a blink of the eye, and
12 there's other things going on in the courtroom. All
13 right. So --

14 **MR. WECHSLER:** Just for the record, the other
15 guys are doing the same thing. I don't know if doing the
16 same extent as Fisher. I mean, R.O. is scuffing at every
17 one of these answers. I hear Shy laughing the whole time.
18 I mean, they can do whatever they want. It is their
19 trial, but it is intimidating.

20 **THE COURT:** The jury is watching all of this
21 too. In terms of the cross examination, you got -- how
22 can I put this? I think, again, you're doing some harm --
23 well, when your questions -- there is a problem with
24 identifying family members who may be the object of some
25 retaliation, and so if you have something that has a great

1 deal of significance, I think use of initials --

2 **MR. WECHSLER:** The first initial perhaps.

3 **THE COURT:** But you're inviting the responses
4 that --

5 **MR. FEINBERG:** I don't think so, and I can
6 live with it.

7 **MR. THEIS:** Your Honor, I would like to
8 address that, because this witness has now on probably
9 four or five or more occasions, made reference to threats
10 that have been made. This was not in response to any
11 questions that we've asked. I think we were careful in
12 our examination -- in our cross examination.

13 I understand some of this is a problem with
14 multiple defendants on trial, and we have to live with
15 some of that, but we did make made a motion for severance
16 in this case at this time.

17 I mean, these threats that he's talking about, and
18 suggesting that even the lawyers are then going to pass on
19 information about the whereabouts of family members -- of
20 his whereabouts or family members whereabouts, I think
21 this has a detrimental affect on our client, not in
22 response to anything that we have done. We made a motion
23 for severance, and we would renew it at this time.

24 **MR. FEINBERG:** I think my opinion is this
25 witness has an agenda, that he wants to tell the jury his

1 story and what he wants to say, regardless of any
2 questions that I'm asking him.

3 **MR. WECHSLER:** But that's the point of cross
4 examination.

5 **MR. FEINBERG:** He tries to get that in any
6 time he can.

7 **MR. WECHSLER:** Well, the point is -- at least
8 from my perspective -- is what he's feeling sitting on
9 that bench. If he believes the point of his question is
10 to pass this information, that's his belief.

11 I have to say I think some of the questions you're
12 asking him are confusing to him, because -- you know, I'm
13 not how to do your job -- but there's one question, then
14 he tries to answer that question, and the question
15 changes, and it has happened numerous times. So he gets
16 frustrated, and you got the defendants staring at him the
17 entire time, and then the personal question about the
18 mother of his child comes out.

19 So he may -- I'm not going to speak to his agenda.
20 My belief is that he's telling the truth -- but to say
21 that he has an agenda, yeah, his agenda is to protect
22 himself, and we're going to get onto redirect instances
23 where he did feel threaten specifically.

24 **MR. S. SCHARG:** I would state that Mr. Porter
25 has been looking at my computer the whole time, and is not

1 staring at this witness.

2 **MR. THEIS:** And Judge, by the way, I would
3 like a ruling on my motion, but I'm not going to renew it
4 again after Mr. -- after the government gets up and goes
5 through some other stuff that we did not open the door to.
6 That's to me, based on his representation, that would be
7 an additional reason why we are entitled to a severance.

8 **MR. DALY:** I would also like an offer of
9 proof from the government before they start getting into
10 specific about threats.

11 **MR. WECHSLER:** The only thing that I'm going
12 to get into -- I don't know who asked the question -- but
13 about his house getting shot up. I am going to get into
14 the time when this took place. I'm not going to get into
15 specifically who did it, but I want to get into the timing
16 of it, was it before or after the cooperation.

17 **MR. DALY:** Do you have any idea who was
18 involved?

19 **MR. WECHSLER:** I don't, but I think Agent
20 Ruiz does, but I think part of that is the witness' belief
21 about his own intimidation, which goes into his
22 credibility and his testimony, and he can say -- I think
23 it would be fair for the Court to say, you don't know --
24 I'll even ask, you don't know who actually did this. You
25 don't know if it was SMB or an associate, and the jury can

1 decide whether or not to believe it that he felt
2 threatened based upon his own cooperation if that's what
3 happened as a result. I think it goes to his credibility.

4 **MS. FINOCCHIARO:** Part of the indictment is
5 witness intimidation.

6 **MR. H. SCHARG:** And the question itself, was
7 it SMB or and associate, or could have been anybody else.
8 It doesn't have to be someone associated with SMB, 55.
9 You know, him being a drug dealer, it could have been
10 anybody.

11 **MR. WECHSLER:** Do you have any idea who it
12 was? If he says yes, then there's the answer to that. If
13 he says no -- well, if he says yes, he has an idea who it
14 was, then he says it's Jane Doe who did it, that helps
15 him. If he says it was Corey Bailey, for example -- I'm
16 not saying he's going to -- if he says it was Corey
17 Bailey, then that unfortunately is the answer that he
18 gives.

19 **MR. H. SCHARG:** What is he going to say?

20 **MR. WECHSLER:** I don't know. That's the
21 point of cross examination. Do you know who did this. If
22 he doesn't know, he'll say no, and if he does do --

23 **MR. H. SCHARG:** Direct examination, you know
24 everything that he is going to say.

25 **MR. WECHSLER:** No, it is not. Absolutely

1 not.

2 MR. DALY: We have right to know what the
3 answer is going to be.

4 MR. H. SCHARG: Outside the presence of the
5 jury.

6 MR. WECHSLER: After he started cooperating,
7 his house was shot up. That goes to his belief of what's
8 happening.

9 THE COURT: Did you have any questions along
10 these lines that you will be asking?

11 MR. FEINBERG: A couple, like, did he tell
12 the agents that his baby's mama was in the room when my
13 client allegedly made a comment about him and Jonathan
14 Murphy.

15 MR. WECHSLER: I'm sorry?

16 THE COURT: My question was with respect to
17 having his house shot up.

18 MR. FEINBERG: Of course not.

19 THE COURT: So let's get through this
20 testimony, and I think outside presence of the jury it may
21 be appropriate.

22 MR. FEINBERG: I'm not going to bring that
23 up.

24 THE COURT: How much do you have left?

25 MR. FEINBERG: Fifteen, 20 minutes.

1 **THE COURT:** Okay.

2 **MR. DALY:** I don't know if you'll get to me
3 today. I'm tired. I don't know about you. I've been
4 sitting here.

5 **THE COURT:** You're going -- you're starting
6 today?

7 **MR. DALY:** Let see how it goes. Henry is
8 next. I don't want to start and not finish.

9 **THE COURT:** Okay.

10

11 (Sidebar concluded.)

12 **BY MR. FEINBERG:**

13 **Q.** Mr. Kennedy?

14 **A.** Yes, sir.

15 **Q.** Did you tell the agents in March of 2015 when you
16 were allegedly at Ro's house that the mother of one of
17 your children was also there?

18 **A.** I don't recall if I did or I didn't say.

19 **Q.** Was she watching TV with you?

20 **A.** She was tired. She had got up early to go to court
21 with me and then she bonded me out. So she came in and
22 she was laying across the couch.

23 **Q.** Okay. She was in the same room?

24 **A.** She was -- no. She was -- you know how a dining
25 room and a living room connect? She was in the living

1 room on the couch. He had a chair and a couch. She was
2 laying on the couch. We was in the dining room. He had a
3 TV in the dining room.

4 Q. I see, okay. The TV is in the dining room. And you
5 said that the news came on that someone was getting out of
6 jail who supposedly had been convicted of shooting
7 someone, correct?

8 A. Yes, sir.

9 Q. And this is -- the TV showed the person leaving the
10 jail?

11 A. No.

12 Q. Getting out because he was being released?

13 A. No, sir.

14 Q. What was it?

15 A. They was saying that the guy was trying -- the TV
16 forecasters, his family and people was just talking about
17 it saying how he was trying to get a new trial in light of
18 the new evidence. They did not show him walking out of
19 jail and getting out of jail, no.

20 Q. Okay. So the TV commentator was saying that this
21 person was trying to get a new trial?

22 A. Yes, sir.

23 Q. And trying to get out of jail?

24 A. Yes, sir.

25 Q. And that was March of 2015?

1 A. The end of February, beginning of March, yes, sir.

2 Q. Okay. And you're saying, you're saying that Ro told
3 you that Marbury was the snitch involved in that case,
4 correct?

5 A. Yes, sir.

6 Q. And that Marbury had driven Ro to the location where
7 the shooting occurred?

8 A. Yes, sir.

9 Q. Is that correct?

10 A. Yes, sir.

11 Q. Did you know Jonathan Murphy?

12 A. Bleek.

13 Q. Did you know Bleek?

14 A. I went to school with him.

15 Q. Okay. So you were pretty good friends with him?

16 A. Yeah, I hadn't seen him in years.

17 Q. Okay. But you were pretty good friends?

18 A. I hadn't seen him since middle school/high school.

19 Q. He was Seven Mile Blood?

20 A. Yes, he was associated.

21 Q. And you were associated?

22 A. Yes, sir.

23 Q. Didn't you ever see him periodically --

24 A. The last time I seen Bleek was in 2008 or '9.

25 Q. Okay. So let me ask you this. Were you --

1 **MR. FEINBERG:** Your Honor, I would like to
2 offer a Register of Action concerning a Roy Lucky Jones
3 into evidence as Defense Exhibit 24.

4 **MR. WECHSLER:** No objection, Judge.

5 **THE COURT:** All right. The Court will
6 receive the item.

7 **BY MR. FEINBERG:**

8 **Q.** And you are sure of the time period because this was
9 when you had just gotten out of jail?

10 **A.** I had just got bond from Roseville.

11 **Q.** Okay. What were you on bond in Roseville for?

12 **A.** The domestic violence.

13 **Q.** Okay. Mr. Kennedy, what's been marked into evidence
14 is a Register of Action for an Elroy Lucky Jones. Do you
15 know who that is?

16 **A.** No, sir.

17 **Q.** Okay. The government has agreed to this exhibit and
18 shows that Elroy Lucky Jones -- that there was a motion
19 for a new trial for Elroy lucky Jones, that he was a
20 person who killed someone back in 2006. Okay? Do you
21 follow that? Do you understand what I just said?

22 **A.** I understand it.

23 **Q.** Okay. I'm just asking if you understand that.

24 **A.** Yes, sir.

25 **Q.** You are following me. And that in March of 2014 the

1 case against Elroy Lucky Jones was dismissed and he was
2 released, no bond. Do you follow that?

3 A. Yes, sir.

4 Q. What you testified to in March, concerning March of
5 2015, that you were watching TV with Ro?

6 A. Yes, sir.

7 Q. And that the TV was showing that this particular
8 person was filing a motion for new trial and tried to get
9 out of jail, prison?

10 A. Yes, sir.

11 Q. Okay. Were you not aware that a year before you say
12 you saw this on TV a motion for new trial and the case was
13 dismissed against the person who Ro is saying, according
14 to your testimony, that he was involved in that person's
15 murder, correct?

16 A. Correct.

17 Q. Okay. So a year before -- a year after all of this
18 had already played out you are saying that you saw it on
19 TV March of 2015?

20 A. Yes, sir.

21 Q. Okay. And you also indicated that Bleek was a
22 witness against him, right?

23 A. That statement by the -- the statement by the --

24 Q. Ro.

25 A. No, you never let me answer the question, sir.

1 Q. Statement by whom?

2 A. The statement given by the broadcaster or whoever
3 was talking at the time indicated that the FBI had found a
4 new witness in the case. They say he was the one that
5 drove the person who killed the guy to do it. That's what
6 it was about, too. That's what was said in the newscast.

7 Q. And from that you got the impression that Ro had
8 committed that murder?

9 A. Not from that. That's not where I got the
10 impression from.

11 Q. From what Ro told you, that Bleek was the person who
12 drove him?

13 A. Yes, sir.

14 Q. All right. Are you aware that Bleek testified in a
15 trial before this one?

16 A. Yes, sir.

17 Q. And that he testified about --

18 MR. WECHSLER: Objection, Judge. This is
19 clear hearsay. He's bringing in someone else's testimony
20 who is not here.

21 THE COURT: Mr. Feinberg.

22 MR. FEINBERG: I'm just asking whether or not
23 he was aware of what was testified to.

24 MR. WECHSLER: But there was a bit of a
25 follow-up that I think was going to lead down the road of

1 are you aware of what he said or specifically what he did
2 say. So the question of whether he was aware if he
3 testified I think should be enough at this point.

4 **MR. FEINBERG:** Your Honor, Jonathan Murphy,
5 Bleek, is listed as a potential witness for the
6 government. In my opening statement I made certain
7 allegations about Jonathan Murphy's testimony at the first
8 trial. I think I'm allowed to bring that in. It's up to
9 the government whether or not to bring in Mr. Murphy. For
10 whatever reason they don't want to bring him in, but I can
11 certainly go into the fact that he did testify.

12 **THE COURT:** The objection was hearsay, and I
13 haven't heard whether you have an exception to the hearsay
14 rule or whether you agree that you are seeking hearsay.

15 **MR. WECHSLER:** Judge, perhaps we can step to
16 the side and have a more candid conversation.

17 **THE COURT:** Come on up.

18 (The following sidebar conference was
19 held:)

20 **THE COURT:** Is Jonathan Murphy on the witness
21 list?

22 **MR. WECHSLER:** No, Your Honor. So anything
23 he's getting into from the prior trial regardless of what
24 he said in his opening is clear hearsay.

25 **MR. FEINBERG:** He testified he got caught

1 lying on the stand concerning this incident and that's why
2 the government isn't calling him.

3 **MR. WECHSLER:** So what? What does that have
4 to do with this trial?

5 **MR. FEINBERG:** It has to do a lot with this
6 trial. You are not calling a witness because he was
7 caught lying about the incident with Mr. Brown.

8 **MR. WECHSLER:** So why don't you call him as a
9 witness? He's valuable to you as well.

10 **MR. FEINBERG:** I'm using his prior testimony.

11 **MR. WECHSLER:** Which is clear hearsay.

12 **MR. FEINBERG:** It's not hearsay. It was in
13 court on the record under oath subject to direct and
14 cross-examination.

15 **MR. WECHSLER:** But not in this court. The
16 hearsay is out of court, the court being the court we are
17 sitting in. You can't use someone else's testimony from a
18 different courtroom and bring it in. That's clearly the
19 definition of hearsay. I can bring you 20 cases tomorrow
20 that say the exact same thing, that it's this court we're
21 talking about on that witness stand.

22 **MR. FEINBERG:** I think it's fair game.

23 **THE COURT:** So you, I mean, you really want
24 evidence that the government has responsibly decided not
25 to use a witness whom they suspect to be lying?

1 **MR. FEINBERG:** That would help, that would
2 help the defendant.

3 **THE COURT:** That would help the defendant?

4 **MR. FEINBERG:** Absolutely it would help the
5 defendant.

6 **MR. WECHSLER:** But that's an issue -- he can
7 state that on summation, just like his opening was not
8 evidence, on summation say we didn't hear from Bleek.

9 **THE COURT:** But his last question was were
10 you aware -- what's the question?

11 **MR. FEINBERG:** That he had testified that on
12 the day of this alleged incident he was holding
13 Mr. Brown's child and that's why he remembers the
14 incident, and it was brought out at the first trial, that
15 Mr. Brown's child was born two months after this alleged
16 incident.

17 **MR. WECHSLER:** Which is straight hearsay.

18 **THE COURT:** I'm going to sustain the
19 objection.

20 **MR. FEINBERG:** Okay.

21 (End of discussion at sidebar.)

22 **THE COURT:** The objection has been sustained.
23 You may continue.

24 **BY MR. FEINBERG:**

25 **Q.** In determining the sentencing guidelines, you are

1 not being held responsible for all the drugs throughout
2 the years and the over million dollars that you made for
3 purposes of sentencing guidelines; is that correct?

4 A. No, that's not true.

5 Q. Only the amount from West Virginia?

6 A. No, I'm being held responsible for all the drugs
7 that everybody else told on me about.

8 Q. So you believe that you are being held responsible
9 for all the drugs that you ever sold in your drug-dealing
10 lifetime?

11 A. No, I don't believe that, but I don't believe it's
12 just for guidelines. You are saying like they bent the
13 rules to help me, and that's not true when it clearly
14 state whatever I told them cannot be used against me.
15 That's why they couldn't charge me with nothing but what
16 everybody else charged me with. They still charge me with
17 almost 7,000 pills that everybody else told on me about.
18 They can't charge me with something that they didn't know
19 about. So I don't want to guess, estimate stuff.

20 Q. The approximate million dollars that you made during
21 your drug-selling lifetime, none of it exists anymore,
22 right?

23 A. No, sir.

24 Q. You spent it on women, right?

25 A. Yes, sir.

1 Q. You spent it on drugs. Were you using drugs at the
2 time?

3 A. No, sir. I drank alcohol, smoke weed.

4 Q. Okay. Clothes?

5 A. Yes, sir.

6 Q. Jewelry, cars?

7 A. Yes, sir.

8 Q. Okay. And you're saying that over all this period
9 of time you spent over a million dollars?

10 A. You asked me to estimate and guess something. I
11 don't know how much it was, sir.

12 Q. It was close to a million?

13 A. How do you know that?

14 Q. Based on what I asked you and you said yes.

15 A. Because you guys asked me to estimate. I don't know
16 if it was a million, over a million, under a million,
17 10 million, 100 million. I don't know.

18 Q. So the 100 million --

19 A. I can't guess that. I'm not going to answer that.

20 Q. So 100 million you say could have been --

21 A. So now it's 100 million.

22 Q. -- all gone. When was the last time you had a
23 safety deposit box?

24 A. 2011.

25 Q. Where at?

1 A. I don't know what bank it was.

2 Q. Have you still got the key?

3 A. I don't have the account. I don't -- it was not an
4 account. I never -- it was never -- no, no.

5 Q. Did you tell the government where it was?

6 A. It did not exist. It was not -- it don't have
7 nothing to do with this case. That was when -- you've got
8 your timelines mixed up. I told you before West Virginia
9 I was going to Virginia. The only time I had a safe
10 deposit box was when I was going to Virginia. When I was
11 going to West Virginia, I did not have a safe deposit box
12 so I didn't think it was relevant. I don't have no safe
13 deposit box, and I'm pretty sure they looked through every
14 financial piece of anything that I had and seen that.

15 Q. The question that I asked you, did you tell the
16 government that you ever had safety deposit boxes?

17 A. I don't recall. I probably did. I don't recall.

18 Q. Did they ask you where they were if you did tell
19 them?

20 A. I don't recall telling them.

21 Q. Okay.

22 A. You guys, you ask me a question to something. If I
23 say I don't recall something, then you ask me another
24 question associated with something that I told you that I
25 don't recall. How can I answer that, too?

1 Q. Did you ever give the names of the people that you
2 were buying the oxies from?

3 A. I gave names of some people, but like I told you, it
4 was hundreds, it was a lot of people that I was buying
5 pills from. You cannot just get pills from anybody, sir.
6 You can't just get 1,000 pills from somebody.

7 Q. I understand.

8 A. It was not no one specific person.

9 Q. But you had a group of people that you knew would
10 get prescriptions for the oxies, and every time they
11 filled the prescriptions you would get -- you would buy
12 those from them, right?

13 A. I had different people, yes, sir.

14 Q. All right. And did you give the agents all their
15 names?

16 A. I gave them names.

17 Q. Or did you seem to think that the agents weren't
18 real concerned about that?

19 A. No, they asked me a lot of times about it, but it
20 was old people. I don't want to bring old people,
21 grandmothers and old people that get them kind of
22 prescriptions, I didn't probably want to bring them into
23 this. That's not what I wanted to do.

24 Q. You wanted to protect the old people?

25 A. No, it's not that. It's just that they didn't have

1 nothing to do with this so I didn't feel like it was no
2 big deal to give them the names of 80-year-old people that
3 give pills, 60-, 70-year-old people that send me their
4 pills.

5 Q. The fight that occurred at the club where the video
6 was made?

7 A. Yes.

8 Q. Did the police ever come out there?

9 A. Yes, sir.

10 Q. And you had rented a white limo?

11 A. Yes, sir.

12 Q. And did the police look inside the white limo?

13 A. I was told they did, yes, sir. I never, as you see,
14 I was never in the limo ever. I pulled up in -- I drove a
15 friend truck so ...

16 Q. You rented the limo though?

17 A. Yes, I rented it.

18 Q. And how much money and how many guns were in the
19 limo?

20 A. I don't know. I gave somebody -- when the fight was
21 pursuing, I gave somebody my book bag and I guess they
22 took it to the limo. But they found my book bag of money
23 in there and they found guns in the limo. Yes, sir.

24 Q. And what about how many guns?

25 A. I honestly don't know.

1 Q. I'm sorry?

2 A. I honestly don't know. About five or six guns.

3 Four or five guns.

4 Q. How many would be yours?

5 A. Two or three of them.

6 Q. Did Mr. Brown ever ask you for money?

7 A. Not really.

8 Q. I'm sorry?

9 A. Not really. At times sometimes being an asshole,
10 but not really.

11 Q. Not \$1,000 to start up some kind of drug business?

12 A. No, sir.

13 Q. Okay. Ever see Mr. Brown sell drugs?

14 A. Yes, sir.

15 Q. Where?

16 A. I bought pills. He get prescription pills. I
17 bought pills from him.

18 Q. When?

19 A. Numerous occasions when he had them. He only get
20 them once a month. Sometimes he'll sell them to me.
21 Sometimes he'll sell them to other people, I guess.

22 Q. Okay. And how much were you paying for those pills?

23 A. At that time it was like 16, 17 dollars a pill.

24 Q. Did you tell the government this?

25 A. I don't recall it, no. I don't recall it.

1 Q. Did you ever have any sitdown conversations with
2 Mr. Brown about anything?

3 A. We had conversations. I don't know if it was
4 sitdowns like roundtable meetings.

5 Q. And what were some of the conversations about?

6 A. Rapping.

7 Q. I'm sorry?

8 A. It was conversations about rapping, drugs, killing
9 people, normal stuff. We had numerous conversations about
10 different things.

11 Q. Just normal stuff?

12 A. Not just normal stuff, but we had conversations
13 about normal stuff, too.

14 Q. Would you consider him at the time a friend that you
15 would tell really close, important stuff that was
16 sensitive, maybe serious criminal stuff?

17 A. I think we would have conversations about a lot of
18 different stuff.

19 Q. You telling him. I'm not asking about what he
20 supposedly told you.

21 A. I don't recall. Yeah, I probably told him about how
22 the drugs go out of town. I probably told him about a lot
23 of stuff.

24 Q. I'm not asking what you probably did. Do you
25 remember anything specific?

1 **A.** No. No, sir.

2 **Q.** I'm sorry?

3 **A.** No, sir.

4 **Q.** Okay.

5 **MR. FEINBERG:** Just one second, Your Honor.

6 I have no further questions at this time,
7 Your Honor.

8 **THE COURT:** All right. Thank you,
9 Mr. Feinberg.

10 **MR. H. SCHARG:** I need five minutes.

11 **THE COURT:** Excuse me?

12 **MR. H. SCHARG:** I need five minutes to use
13 the men's room or the women's room, whichever one is
14 available.

15 **THE COURT:** All right. We'll take a short
16 break.

17 **MR. H. SCHARG:** Thank you.

18 **THE COURT:** I thought you needed five minutes
19 for the examination. I was very happy.

20 (Jury out at 11:47 a.m.)

21 **MR. H. SCHARG:** You and Mr. Feinberg must go
22 to the same hearing-impaired guy.

23 (Recess from 11:47 a.m. to 11:53 a.m.)

24 **MR. THEIS:** Judge, could I briefly before
25 they come in.

1 **THE COURT:** Yes.

2 **MR. THEIS:** Judge, just for the record I
3 wanted to renew the motion for mistrial and severance. I
4 don't think the judge actually ruled on it before. It's a
5 renewal of the motion for severance and a motion for
6 mistrial based on the evidence that was elicited and what
7 I anticipate the government is going to do on redirect
8 based on the representation of the government.

9 **MR. H. SCHARG:** On behalf Mr. Fisher, I join
10 in it. As the Court knows, I made that motion several
11 times, a motion for severance, prior to the commencement
12 of this trial.

13 **MR. SPIELFOGEL:** Your Honor, on behalf of Mr.
14 Bailey we would also join in that motion.

15 **THE COURT:** All right. The Court is going to
16 deny the motions. I recognize the complaints that counsel
17 has about the testimony. I don't believe it would support
18 a mistrial at this point so I'll deny it.

19 **MR. THEIS:** Thank you.

20 **THE CLERK:** Please rise for the jury.

21 (Jury in at 11:55 a.m.)

22 **THE COURT:** All right, folks, you can take a
23 seat.

24 All right. Mr. Scharg.

25 **MR. H. SCHARG:** Thank you.

- - -

(11:56 a.m.)

CROSS-EXAMINATION

BY MR. H. SCHARG:

Q. Good evening.

A. Good evening.

Q. Only because it seems like we have been here for hours and hours, but looking at the clock, it's still morning. Unbelievable, but it is, and I'll move forward with you, Mr. Kennedy.

Mr. Kennedy, first and foremost, my name is Henry Scharg. I'm an attorney, and I represent Eugene Fisher.

A. Yes, sir.

Q. Fes, Fester, okay?

A. Yes, sir.

Q. I don't represent anybody else, okay?

A. Yes, sir.

Q. And the questions that I ask you are going to be dealing with Mr. Fisher and his case.

A. Yes, sir.

Q. Okay. Mr. Kennedy, you are about, what, 31 years old?

A. Yes, sir.

Q. And you have been a drug dealer for most of your

1 life, haven't you?

2 A. Yes, sir.

3 Q. You started out, you said, in about 2004?

4 A. I said '3 or '4, yes, sir.

5 Q. Pardon me?

6 A. I said '3 or '4, yes, sir.

7 Q. Okay. And you were selling drugs up until the time
8 you were arrested in West Virginia on August 15th, 2016?

9 A. I was not -- yes, sir.

10 Q. Okay. And so from -- that's about 15 years,
11 correct?

12 A. Yes, sir.

13 Q. All right. And that's all you did was sell drugs up
14 until August 15th of 2016, right?

15 A. I don't want to say that's all I did.

16 Q. Well, that's how you made your money?

17 A. I had a job.

18 Q. Well, tell me --

19 A. But yes, most of my life that's what I did.

20 Q. Pardon me?

21 A. I said I had jobs before, but most of my life --

22 Q. Did you have any jobs after 2012?

23 A. No, sir.

24 Q. Okay. And is it fair to say that besides selling
25 drugs, which was marijuana, right?

1 A. Yes, sir.

2 Q. Crack cocaine?

3 A. Yes, sir.

4 Q. Powder cocaine?

5 A. Yes, sir.

6 Q. And then you moved on to, to prescription drugs,
7 right?

8 A. Yes, sir.

9 Q. And that's where the money was, wasn't it?

10 A. Yes, sir.

11 Q. You were rolling in on money with the, with the
12 prescription drugs that you were taking down to
13 West Virginia, Virginia and West Virginia, right?

14 A. Yes, sir.

15 Q. And you were making about 10,000 or more a week,
16 weren't you?

17 A. Yes, sir.

18 Q. Yeah.

19 A. I want to say a week -- every --

20 Q. Yeah, you were going down there maybe two,
21 three times a week -- two or three times a month?

22 A. Maybe, yes, sir.

23 Q. And every time you went down there you would flip
24 about \$10,000, wouldn't you?

25 Well, that's not what I'm asking you. That's

1 what you told the government when they interviewed you.

2 A. Right, what you said, but you are saying it a
3 different way. I went and flip 10,000. I probably made
4 that profit. I see what you're saying. Yes, sir.

5 Q. You are putting \$10,000 in your pocket maybe
6 three times a month?

7 A. Could be, yes, sir.

8 Q. My calculations, between 2012 when you started going
9 down to West Virginia and the time that you got arrested
10 in 2016, that's close to three, four hundred thousand
11 dollars a year that you are putting in your pocket?

12 A. It was not always like that. Sometimes it will be
13 slow. Sometimes it will be faster than that. It just
14 depends.

15 Q. Okay. Not only were you dealing drugs your whole
16 life, but during that whole time, at least up to
17 August 15th of 2016, you had no respect for the law, did
18 you?

19 A. I don't want to say I didn't respect the law. I was
20 trying to be slick. Yes, sir.

21 Q. No respect for the law was every time you got
22 arrested you would go back out and sell drugs again,
23 correct?

24 A. Yes, sir.

25 Q. Every time you -- not every time, but you would be

1 stopped by the police and you would give names of
2 different people, right?

3 A. Not every time but a lot of times.

4 Q. Well, not every time.

5 A. Yes, sir. A lot of times.

6 Q. A lot of times you would give your brother's name or
7 someone else's name to avoid being detected, correct?

8 A. Yes, sir.

9 Q. Hey, there was even a time when you were an adult
10 and you gave the name of a juvenile so you could avoid
11 going to jail, correct?

12 A. I was still in the juvenile system, too, sir.

13 Q. You had no respect for the law, did you?

14 A. I had respect for the law. I was just trying to be
15 slick. Yes, sir.

16 Q. Okay. Now, we can agree based upon your testimony
17 that at just one time, at one minute of one hour of
18 one day you had approximately \$200,000 on you, on your
19 person or in your crib, in your house, correct?

20 A. Can you repeat that?

21 Q. Well, you testified it seems like years ago, but I
22 think it was yesterday or the day before that at one time
23 you had 180 to 230 thousand dollars in your possession?

24 A. Yes, sir.

25 Q. At one time?

1 A. All at once.

2 Q. Over a period of four years that you were running
3 back and forth to West Virginia?

4 A. This was right at the beginning of it when I was --

5 Q. In the beginning?

6 A. Yes. It was --

7 Q. And it got better as time went on, didn't it?

8 A. No, it didn't. It got worse.

9 Q. It got worse.

10 Now, during the time that you were rolling
11 from -- when you had that 180 to 200 thousand dollars in
12 your control, what year was that?

13 A. That was 2015.

14 Q. 2015?

15 A. No, sir, I'm sorry, it was 2013.

16 Q. Are you sure it wasn't '15?

17 A. No, it wasn't '15.

18 Q. It was 2013?

19 A. Yeah, it was 2013.

20 Q. Okay, okay. And during that period of time you were
21 able to buy fine jewelry?

22 A. Yes, sir.

23 Q. Clothes?

24 A. Yes, sir.

25 Q. Cars?

1 **A.** I never bought a car.

2 **MR. H. SCHARG:** Well, we'll go into that in a
3 minute with the cars, but why don't we move for admission
4 of Defense Exhibit 19.

5 **BY MR. H. SCHARG:**

6 **Q.** I'm going to show you Proposed Exhibit --

7 **MR. WECHSLER:** Could we see what it is? We
8 don't know what he's talking about.

9 **MR. H. SCHARG:** I provided you with --

10 **MR. WECHSLER:** Okay.

11 **MR. H. SCHARG:** May I approach?

12 **THE COURT:** Yes.

13 **BY MR. H. SCHARG:**

14 **Q.** I'm going to show you Proposed Exhibit 19. Did you
15 ever see that picture before?

16 **A.** I took it.

17 **Q.** You took it?

18 **A.** Yes, sir.

19 **Q.** Okay. And that's a screen shot of you?

20 **A.** A screen shot? Yes, it was off of --

21 **MR. H. SCHARG:** Move for admission.

22 **MR. WECHSLER:** No objection.

23 **MR. H. SCHARG:** 19.

24 **THE COURT:** The Court will receive the item.

25 **MR. H. SCHARG:** Okay. We're going to put

1 that on the overhead.

2 **BY MR. H. SCHARG:**

3 Q. That's a picture of you, correct?

4 A. Yes, sir.

5 Q. With your bling? Yes?

6 A. Yes.

7 Q. Did you ever hear the word "bling"?

8 A. Yes, sir.

9 Q. What is that?

10 A. Like jewelry.

11 Q. I'll ask you, is that your bling?

12 A. Yes, sir.

13 Q. And you took a screen shot. Did you put it over the
14 internet or Facebook or Instagram or anything?

15 A. I never had a Facebook, but I did, I took the
16 picture and I put it on Instagram. Somebody made a fake
17 Facebook for me.

18 Q. You wanted to show everyone in the world how much
19 money you had, how successful you were, how powerful you
20 were, right?

21 A. No, that's not true.

22 Q. All right.

23 A. Successful, yeah.

24 Q. What kind of watch have you got? You were
25 successful. You were rolling in it. You were rolling in

1 the money back then in 2013, 2014, 2015, weren't you?

2 A. You say what years?

3 Q. You went down to Virginia and West Virginia in 2012?

4 A. Yes, sir.

5 Q. You were going down there in 2013?

6 A. Yes, sir.

7 Q. 2014?

8 A. Yes, sir.

9 Q. 2015?

10 A. Yes, sir.

11 Q. And 2016, up until August 15th of 2016?

12 A. Yes, sir.

13 Q. What type of watch is that?

14 A. A Rolex.

15 Q. A Rolex. Diamond Rolex?

16 A. It's not Rolex diamonds, but yes, it's a Rolex with
17 diamonds in it.

18 Q. \$50,000 watch?

19 A. No, sir.

20 Q. How much?

21 A. About 25, 26.

22 Q. Okay. Excuse me. It's only half of \$50,000. It
23 was \$25,000, right?

24 A. Yes, sir.

25 Q. And that was only one of your watches that you had?

1 A. It's the only watch I had.

2 Q. Well, didn't you say you had another watch?

3 A. That was back before I even started going out to --
4 that watch was from 2010.

5 Q. All right. That was your 2010 watch?

6 A. Yeah.

7 Q. What was that, a \$5,000 watch, right?

8 A. 10,000.

9 Q. 10,000. So you had that \$10,000 watch before you
10 started going to Virginia, before you were making all of
11 this doe, all of this cash, right?

12 A. No, sir.

13 Q. Now that you are going to Virginia, you are able to
14 afford a \$25,000 watch, right?

15 A. No, sir. It wasn't Virginia. It was West Virginia,
16 sir.

17 Q. West Virginia.

18 A. Yes, sir.

19 Q. Virginia, West Virginia. West Virginia you were
20 able to buy -- afford this \$25,000 watch, right?

21 A. Yes, sir.

22 Q. What about the necklace?

23 A. The necklace.

24 Q. The gold necklace.

25 A. It's a kilo.

1 Q. How many pounds was that?

2 A. It was a kilo. A kilo is 1000 grams.

3 Q. How much did that weigh?

4 A. 1,000 grams. Both the chains together. One was a
5 700 and one was a 350. It was like 1050.

6 Q. 10,000.

7 A. 1,000. 1,000 grams. It was \$19 a gram.

8 MR. WECHSLER: Judge, could we let the
9 witness answer before we move to the next question?

10 THE COURT: Yes.

11 Go ahead.

12 THE WITNESS: It was \$19 a gram, \$19 a gram,
13 and the chain came up to a little over 20,000 for both
14 chains.

15 BY MR. H. SCHARG:

16 Q. \$20,000?

17 A. For both chains.

18 Q. So in just that picture of you alone, there's 45 to
19 50 thousand dollars worth of jewelry?

20 A. 45.

21 Q. Okay.

22 MR. H. SCHARG: Exhibit 20. May I approach?

23 THE COURT: Yes.

24 BY MR. H. SCHARG:

25 Q. Showing you Exhibit 20, have you ever seen that

1 before?

2 A. Yes, sir.

3 Q. Okay. And is that another screen shot?

4 A. Yes, sir.

5 Q. You took or someone else took?

6 A. I took the picture, but I don't know who
7 screenshotted it.

8 Q. All right. You took the picture.

9 A. I didn't take the picture, but this is me. It's not
10 no Photoshopped picture. It's an actual picture, yes,
11 sir.

12 MR. H. SCHARG: Okay. Move for admission of
13 20.

14 MR. WECHSLER: No objection.

15 THE COURT: All right. The Court will
16 receive it.

17 MR. H. SCHARG: Can we publish it.

18 BY MR. H. SCHARG:

19 Q. That is you?

20 A. Yes, sir.

21 Q. In front of your "beamer"?

22 A. BMW, yes, sir.

23 Q. Okay. Well, you call it a BMW or "beamer"?

24 A. I don't know, is a "beamer" a Benz or BMW?

25 Q. I thought a BMW.

1 A. All right.

2 Q. Okay. That's your car?

3 A. Yes, sir.

4 Q. Okay. And let's go to the sunglasses.

5 A. Yes, sir.

6 Q. Those are designer glasses?

7 A. Yes, sir.

8 Q. \$5,000?

9 A. No, sir.

10 Q. How much?

11 A. About 16, 18 hundred.

12 Q. About 16, 18 hundred?

13 A. Yes, sir.

14 Q. Okay. Shoes?

15 A. The shoes was regular tennis shoes. \$150.

16 Q. Okay. How did you pay for that "beamer," excuse me,
17 that BMW?

18 A. It was not paid for. I put 9,000 down on it, and I
19 had a note. The note was 700 a month.

20 Q. And was that at a car lot?

21 A. It's the BMW car lot right there.

22 Q. Okay. Did you go to a dealership?

23 A. Yes, I got it from a dealership.

24 Q. Okay. And you put down how much?

25 A. Like nine, a little over nine.

1 Q. Nine grand, 9,000?

2 A. 9,700, yes, sir.

3 Q. In cash?

4 A. Yes, sir.

5 Q. And you paid monthly?

6 A. Car note, yes, sir.

7 Q. You didn't lease that car, did you?

8 A. It was a lease with an option to buy, I think. It
9 was a finance. It was a finance.

10 Q. You didn't lease it in your name, did you?

11 A. No, sir.

12 Q. Whose name did you lease it in? I won't go there.
13 I'll just say you leased it in somebody else's name,
14 right?

15 A. Yes.

16 Q. Because you couldn't show income, correct?

17 A. Correct.

18 Q. And you had to get someone who probably had some
19 credit; is that right?

20 A. Correct.

21 Q. To put down the money for you?

22 A. Yes, sir.

23 Q. The car was in their name?

24 A. Yes, sir.

25 Q. And you paid the insurance for them?

1 A. Yes, sir.

2 Q. But it was your car?

3 A. Yes, sir.

4 Q. Okay. Now, whatever happened to that car?

5 A. When I got indicted, I gave it -- when I got
6 indicted -- the car was in my mother's name. So when I
7 got indicted I gave it, I gave it to her so she could have
8 it. She couldn't afford it so they repossessed it.

9 Q. So when did you go ahead and buy this car, what
10 year?

11 A. I didn't never go ahead and buy it.

12 Q. Well, you put the money down.

13 A. Because buying it --

14 Q. Financing.

15 A. Owning and financing is two different things. I
16 never went to the car lot and gave them 80, 70 thousand
17 dollars for the car. I gave them \$9,000. I financed it.
18 Then when I got indicted I couldn't afford it. I couldn't
19 afford it. So I gave it to my mother. My mother couldn't
20 afford it so she let them come back and get it. The car
21 is in repossession.

22 Q. All right. When did you finance it, what year?

23 A. 2013.

24 Q. And you got indicted in 2016?

25 A. Yes, sir.

1 Q. So you had the car for four years?

2 A. Yes, sir. No, three, three years.

3 Q. Three years. You paid -- you were paying the note
4 on it monthly, correct?

5 A. Yes, sir. Yes, sir.

6 Q. How much a month?

7 A. 700.

8 MR. H. SCHARG: Defense Exhibit 21. May I
9 approach?

10 THE COURT: Yes.

11 BY MR. H. SCHARG:

12 Q. Here you go. Look at that picture. Have you seen
13 that before?

14 A. Yes, sir.

15 Q. Is that a screen shot?

16 A. Yes, sir.

17 Q. Okay. And did you take it?

18 A. I took the picture, yes, sir. I didn't take it, but
19 yes, that's an actual picture. That's a real picture of
20 me.

21 Q. You put it on Facebook?

22 A. I never had a Facebook.

23 Q. You put it on some type of Instagram?

24 A. Yes, sir.

25 Q. Okay.

1 **MR. H. SCHARG:** Move for admission of Defense
2 Exhibit 21.

3 **MR. WECHSLER:** It's already on the screen,
4 but no objection.

5 **THE COURT:** The Court will receive it.

6 **BY MR. H. SCHARG:**

7 **Q.** Is that you?

8 **A.** Yes, sir.

9 **Q.** With the designer glasses?

10 **A.** Yes, sir.

11 **Q.** What watch are you wearing there?

12 **A.** The same watch. It's just -- the same watch,
13 different picture.

14 **Q.** What about the belt?

15 **A.** It was a Giuseppe belt.

16 **Q.** Pardon me?

17 **A.** A Giuseppe belt.

18 **Q.** I can't hear you.

19 **A.** It was a Giuseppe belt.

20 **Q.** How much does that belt cost?

21 **A.** About \$1,300.

22 **Q.** Just for the belt?

23 **A.** Just for the belt.

24 **Q.** What about those shoes?

25 **A.** The shoes was 1400.

1 Q. 1400?

2 A. Yes, sir.

3 Q. So for shoes and the belt, that's 2500?

4 A. Yes, sir.

5 Q. When was that picture taken?

6 A. That was my birthday. So August 12th, 2000 -- 2014.

7 Q. All right. So in 2014 you were still making -- did
8 you buy that for yourself or did someone give that to you
9 as a gift?

10 A. I bought that.

11 Q. Okay. So at least you had enough money that you
12 could buy 25 -- spend 2500 on a belt and shoes in 2014,
13 right?

14 A. Yes, sir.

15 MR. H. SCHARG: Okay. And now Defense
16 Exhibit 22.

17 BY MR. H. SCHARG:

18 Q. I'll show you Defense Exhibit 22. Do you recognize
19 that?

20 A. Yes, sir.

21 Q. What is it?

22 A. A box.

23 Q. For purposes of --

24 A. It's a box with some shoes in it.

25 Q. Yeah, what type of shoes?

1 **A.** Christian Louboutin's.

2 **MR. H. SCHARG:** Did I move for admission? If
3 I didn't, I am at this time.

4 **THE COURT:** Any objection?

5 **MR. WECHSLER:** No objection.

6 **THE COURT:** All right. The Court will
7 receive the item.

8 Is it marked as an exhibit?

9 **MR. H. SCHARG:** Yes.

10 **BY MR. H. SCHARG:**

11 **Q.** What type of shoe box is that?

12 **A.** A Christian Louboutin box.

13 **Q.** Are those the ones with the red bottoms?

14 **A.** Yes, sir.

15 **Q.** You took a picture of a box of shoes that you had?

16 **A.** Yes, sir.

17 **Q.** How many thousands of dollars did those shoes cost?

18 **A.** That was 1200.

19 **Q.** Huh?

20 **A.** 1200.

21 **Q.** 1200, okay. When did you purchase those?

22 **A.** I purchased those, that was for my birthday in 2015.

23 **Q.** 2015?

24 **A.** Uh-huh.

25 **Q.** So you are still doing okay in the drug business

1 buying \$1,200 shoes, right?

2 A. Yes, sir.

3 Q. And you took a picture of the shoe box. Why?

4 A. To show it off.

5 Q. Now, I see that you like fancy clothing, right?

6 A. Yes, sir.

7 Q. Fancy shoes?

8 A. Yes, sir.

9 Q. Fancy watches, chains?

10 A. Yes, sir.

11 Q. Is that what you wore to court today?

12 A. No, sir.

13 Q. What did you wear to court today?

14 A. Normal stuff.

15 Q. Huh?

16 A. Normal stuff.

17 Q. What do you mean "normal"? This is normal stuff for
18 you. I'm asking what did you wear.

19 A. Just pants, a shirt that the agents had to give me,
20 and some regular shoes.

21 Q. Okay. You wore -- what did you wear?

22 A. It's not name brand. It's just regular.

23 Q. And then you came to court, and then the agents had
24 you change into that shirt and tie, right?

25 A. That's because I don't have no money. What do you

1 want me to do?

2 Q. After all of this you can't afford to buy your own
3 shirt and slacks?

4 A. No, sir.

5 Q. Okay. Now, let me ask you to look at Defense
6 Exhibit 18.

7 MR. H. SCHARG: May I approach?

8 THE COURT: Yes.

9 BY MR. H. SCHARG:

10 Q. Do you recognize that picture?

11 A. Yes, sir.

12 Q. What is that?

13 A. That's a picture of a friend named Meech.

14 Q. Pardon me?

15 A. A picture of a friend named Meech.

16 Q. Okay. And behind your friend there is a vehicle?

17 A. Correct.

18 Q. Is that a Range Rover, Land Rover?

19 A. Range Rover.

20 Q. And whose car -- whose truck is that?

21 A. That's not my truck.

22 Q. That's not your truck?

23 A. I had one like it. I had one like it. The motor
24 went out. That's not my truck. They did a bad job of
25 investigating because that's not my truck. That's his

1 truck. I ain't going to lie. I admitted to everything
2 else.

3 Q. Where is your Range Rover?

4 A. It's in the shop.

5 Q. Is it a Range Rover or a Land Rover?

6 A. It's a Range Rover, and it's not an expensive Range
7 Rover, it's a cheap Range Rover, and the motor went out.
8 It's in the shop.

9 And the agents was well aware. It was in my
10 name. I didn't try to hide it. The agents was well aware
11 I got it. They was with me when I got it basically.

12 Q. They were with you when you bought it?

13 A. Not with me when I bought it, but when I was moving
14 my stuff, they knew I had it. It was a truck for the
15 kids --

16 Q. What year is the Range Rover?

17 A. A '14.

18 Q. 2014?

19 A. Yes.

20 But it's not the Range Rover you are trying to
21 make it seem like to the jury.

22 Q. I'm not saying what it is, sir.

23 A. Yes, sir. That's not my truck.

24 Q. Okay. The Range Rover that you have?

25 A. Uh-huh.

1 Q. I apologize. It's not your truck. You have a
2 different Range Rover, I understand.

3 A. Yes. Mine's older.

4 Q. You bought a 2014 Range Rover?

5 A. I did not buy it. I took out a loan for it. When
6 they gave me my money, I had to get a car to leave town.

7 Q. How much money did you put down?

8 A. Like 5800.

9 Q. Okay. And are you making payments on it?

10 A. Yes, sir.

11 Q. It's in your name?

12 A. Yes, sir.

13 Q. Okay. And do you remember when you bought it?

14 A. It was -- like I had to get my license put together
15 so it was like November/December of 2017.

16 Q. Okay. And when did it break down?

17 A. It broke down about a week ago. Friday or Saturday.

18 Q. Didn't you tell us earlier that you don't have a
19 driver's license?

20 A. Yes, sir.

21 Q. So you've been driving this Range Rover around town?

22 A. No, sir.

23 Q. Hold on. You've been driving this Range Rover
24 around town up until a couple of weeks ago when it broke
25 down?

1 A. No, sir.

2 Q. When did you stop driving it?

3 A. I never drove it. It was for my wife and my kids.

4 Q. All right. So you have never driven this vehicle?

5 A. I drove it before, but not around town like I'm just
6 around partying and having fun, no.

7 Q. Okay. You have been driving it without a license?

8 A. I drove it -- yes, sir. I drove it without a
9 license before.

10 Q. It's a simple question.

11 A. Yes, sir.

12 Q. And the government knows that you are driving it
13 without a license?

14 A. They don't know what I do -- I don't believe they
15 know what I do every day.

16 Q. That means you could be selling drugs every day and
17 they don't know about it, right?

18 A. I ain't selling no drugs, sir.

19 Q. I didn't ask you. I said they don't know when
20 you're driving without a license, they wouldn't know if
21 you are selling drugs when they are not around, correct?

22 A. I'm pretty sure they know something. They know more
23 than what you think you know.

24 Q. I know more than what you think I know, also.

25 A. You can't because you thought this was my car and

1 it's not.

2 Q. When you had all of this money, you were also
3 throwing it around, weren't you? Throwing money at these
4 strip clubs; is that correct?

5 A. Yes, sir.

6 Q. We saw one video this morning where you were at a
7 strip club and throwing dollar bills all around, raining
8 dollar bills, right?

9 A. Yes, sir.

10 Q. Took a bag full of dollar bills?

11 A. Yes, sir.

12 Q. You testified today that somewhere between five and
13 ten thousand dollars in dollar bills?

14 A. I said eight.

15 Q. 8,000 in dollar bills?

16 A. Yes, sir.

17 Q. Where did you get those dollar bills from?

18 A. From just running around putting it together.

19 Liquor stores, stores.

20 Q. You went around collecting dollar bills at liquor
21 stores?

22 A. Stores.

23 Q. \$8,000?

24 A. You make it seem like it's hard. It's a liquor
25 store. Liquor store got hundreds of thousands of dollars

1 in there. If you go in there and you say give me 1,000
2 ones, you go to eight stores, you are done.

3 Q. Wait a second. You wouldn't just go into a liquor
4 store and ask them for \$1,000 in dollar bills, you had to
5 give them money, right?

6 A. Yes, sir.

7 Q. So what did you give them, \$100 bills?

8 A. 20s, 50s 100s, 10s, 5s, however I had it.

9 Q. Okay. So you would go around to eight different
10 liquor stores?

11 A. Liquor stores, grocery stores, banks.

12 Q. How many parties did you sponsor or throw between
13 2012 and 2016 where you would throw all of this money
14 around?

15 A. I don't recall. I threw a bunch of parties.

16 Q. Okay. And --

17 A. About five or six, ten.

18 Q. Okay. Can we agree that each time that you would
19 get at least 5,000 or \$10,000 in singles and throw around?

20 A. Not every time, but most of the time at least three,
21 four thousand.

22 Q. Or more?

23 A. Or more.

24 Q. Sometimes up to 25 or 50 thousand dollars?

25 A. Never.

1 Q. All right. Well, I'm going to ask you if there was
2 a party at the Sting Nightclub that you attended.

3 A. Yes, sir.

4 Q. And you have seen the video?

5 A. Yes, sir.

6 Q. And what year was that?

7 A. It was 2000 -- that might have been 2014. It might
8 have been 2000 -- it was 2014.

9 Q. 2014, maybe 2015?

10 A. It was 2014.

11 Q. Okay. That's --

12 **MR. H. SCHARG:** Move for the admission of
13 Exhibit 64. It's actually Government's Exhibit 64.

14 **MR. WECHSLER:** One moment. Let me check the
15 number.

16 No objection, Judge.

17 **THE COURT:** All right. The Court will
18 receive it.

19 **BY MR. H. SCHARG:**

20 Q. Before you -- I'm not going to play the whole video
21 for you, but I'm going to, I'm going to -- we'll start it
22 and we'll go from there, okay?

23 A. Yes, sir.

24 (Video started.)

25 **MR. H. SCHARG:** Stop. Last time he didn't

1 hear us. I think I woke everybody up, but that was my
2 ulterior motive.

3 **BY MR. H. SCHARG:**

4 Q. Do you see this limo?

5 A. Yes, sir.

6 Q. Is that another limo that you rented?

7 A. Yes, sir.

8 Q. And what type of limo is that?

9 A. A Maserati limo.

10 Q. A Maserati limo.

11 A. Yes, sir.

12 Q. And how much does that go for an hour?

13 A. It wasn't much. It was -- I had it for four hours.

14 It was like \$400.

15 Q. An hour?

16 A. No.

17 Q. \$100 an hour?

18 A. It's a limo. It's not a real Maserati.

19 Q. How often do you rent these limos? Did you get a
20 deal on them?

21 A. I don't get a good deal. You get a base rate.
22 Anything over four hours is going to be \$100 an hour. I
23 don't care if it was a Cadillac.

24 Q. Did you ride in it that night or did you ride in
25 another vehicle?

1 It doesn't matter. Let's go on.

2 (Video playing.)

3 **BY MR. H. SCHARG:**

4 Q. Is that you?

5 A. Yes, sir.

6 Q. Okay. Wearing your designer glasses?

7 A. Yes, sir.

8 Q. You've got your \$25,000 watch on at the time?

9 A. No, sir.

10 Q. Did you have another watch on?

11 A. No, sir.

12 Q. Okay. And that's at the club?

13 A. Yes, that's the Sting Club. Everybody there. Your
14 client threw money, too. Their clients, too. Watch it.

15 Q. Was he throwing your money?

16 A. No, throwing his own money.

17 **MR. H. SCHARG:** Okay. Keep on going.

18 (Video played.)

19 **MR. H. SCHARG:** I think everybody will agree
20 we have had enough entertainment for the morning.

21 **BY MR. H. SCHARG:**

22 Q. That's you throwing that money, right?

23 A. Yes, sir.

24 Q. Raining money in that club?

25 A. Yes, sir.

1 Q. How many thousands and thousands of dollars did you
2 go through that day?

3 A. About nine.

4 Q. You think nine?

5 A. Eight or nine.

6 Q. Okay. There was so much money that you threw out
7 that day that these girls, these dancers, had to get a
8 money counter, didn't they?

9 A. Yes, sir. It wasn't just money I threw though. It
10 was everybody was throwing money. That's why you stopped
11 it because you didn't want to see everybody else throwing
12 money.

13 MR. H. SCHARG: Go ahead. We'll play the
14 rest of it.

15 (Video played.)

16 MR. H. SCHARG: All right. We can stop it.

17 BY MR. H. SCHARG:

18 Q. All right. So far we really just see you throwing
19 money in there?

20 A. I'm pretty sure the jury see it, but ...

21 MR. H. SCHARG: All right. Let's move to the
22 other.

23 BY MR. H. SCHARG:

24 Q. So after the party that you throw and all of the
25 money that you threw?

1 A. Uh-huh.

2 Q. All of these dancers go in back with a money counter
3 and count the money, right?

4 A. Uh-huh.

5 Q. And that's all money for them?

6 A. Yes.

7 Q. It's not money for your baby's mama?

8 A. Right.

9 Q. For your kids, for the mothers of your children?
10 That doesn't go for child support. That goes to these
11 dancers for that night; is that correct?

12 A. Right. My kids never --

13 Q. I'm asking you a certain question. The money that
14 you threw out that night, that didn't go to your kids,
15 that didn't go to their mothers, that didn't go to child
16 support, that went to these dancers that you didn't even
17 know, right?

18 A. Right.

19 Q. And there was so much money that they needed
20 counters, money counters like the banks do?

21 A. Yes, sir.

22 MR. H. SCHARG: Okay. Please show that.

23 (Video played.)

24 BY MR. H. SCHARG:

25 Q. Do you see that money in the background? Do you see

1 all of that money in the background?

2 A. Yes, sir.

3 Q. Behind that girl?

4 A. Yes, sir.

5 Q. You think that's \$5,000?

6 A. I'm not the only person -- you asked me how much
7 money I spent that night. I spent eight, nine thousand.
8 Everybody else spent three, four, five thousand dollars.
9 It was a lot of people in there throwing money. I wasn't
10 the only one throwing money, sir.

11 MR. H. SCHARG: All right. Go ahead.

12 BY MR. H. SCHARG:

13 Q. "The greatest show on earth brought to you by
14 55dubb." Who is that?

15 A. Quincy Graham.

16 Q. Okay. "55_g_field."

17 A. Yes.

18 Q. That's you?

19 A. Yes, sir.

20 Q. You are the ones that threw the party?

21 A. Yes.

22 Q. You are the ones that made the video?

23 A. Yes. No, we're not the ones that made the video.

24 Q. But you are the ones that threw the money?

25 A. No. That don't mean because it's our party that we

1 are the only ones who threw money. That's like if it's
2 somebody else's party and you are not going to drink
3 because it's somebody else's occasion. You are still
4 going to have a drink, right? That don't make sense.
5 Everybody threw money.

6 Q. Here is what makes sense, sir. You say that you
7 threw out nine grand that night, 9,000?

8 A. Eight or nine thousand, yes.

9 Q. Eight or nine thousand. And we know that you owed
10 \$30,000 in child support, right?

11 A. Not at that time, no, I did not. My kids' mother
12 never paid for nothing since my kids been born. Stop
13 disrespecting my kids because I don't owe nobody for my
14 kids, sir.

15 Q. Sir, I'm not disrespecting your kids.

16 A. You are. You disrespecting my kids.

17 Q. You are disrespecting your kids, aren't you?

18 A. No, I'm not. Just because I didn't pay child
19 support doesn't mean I didn't take care of my kids, sir.
20 I didn't get legitimate checks to where they could take
21 the money out. I paid them cash. They got their money.
22 They never paid for a birthday party. They never paid for
23 nothing. They barely paid rent sometimes. I paid for
24 everything for my kids, and I could have every mother of
25 my child come and sit on this stand and they will tell you

1 I'm a great father. You can make the jury think what you
2 want them to think, but I'm not going to let them think
3 that about me. I'm not a bad father. I take care of
4 every last one of my kids. Other people kids, too.

5 Q. All right. When you had to go into court for child
6 support, right, you had to go in, it was like a revolving
7 door --

8 A. I did not find out about the child support until I
9 had to come to court. The mother of my child is the one
10 that called me and told me I had a warrant. I didn't even
11 know I had a warrant. She called me and told me. She
12 told me she would go down there with me, which is Quincy's
13 sister. She said she will take it off me knowing what I'm
14 doing. She -- and still they took it off me for \$1200.

15 Q. Okay. Now, you were indicted on February 17th,
16 2016, right?

17 A. We didn't know about the indictments until March
18 1st, I believe.

19 Q. Pardon me?

20 A. The indictment probably -- it was --

21 Q. First question. Were you indicted -- did you learn
22 that you had been indicted on February 17th, 2016?

23 A. I did not know it was -- I did not know that.

24 Q. When did you learn that you had been indicted?

25 A. March.

1 Q. Okay. But -- so after you learned that you were
2 indicted in March you still kept on going back down to
3 West Virginia to sell drugs.

4 A. Yes, sir.

5 Q. Right?

6 A. Yes, sir.

7 Q. You knew that the government agents were actively
8 searching for you, correct?

9 A. Yes, sir.

10 Q. In fact, there was some type of court proceeding for
11 child support that you didn't go to because you didn't
12 want to get arrested?

13 A. That's not true. It could be true, but I didn't
14 know about the -- but I wouldn't have went knowing that I
15 had a warrant for the FBI if I did know about the court
16 proceeding, you are right.

17 Q. Right, so --

18 A. But that's not why I didn't go.

19 Q. So the fact is that there is an open federal
20 indictment issued against you in February of 2016, you
21 learn about it in March of 2016, but you continue to go
22 down to West Virginia to sell these pills until you are
23 arrested in August of 2016, correct?

24 A. Can you repeat that?

25 Q. Okay. When you learned that there was an indictment

1 against you that had been issued in February of 2016, you
2 learned about it in March of 2016, you continued to go
3 down to West Virginia from Detroit to sell drugs, to sell
4 pills, to sell Oxycontin until you were arrested on
5 August 15th of 2016, correct?

6 A. Yes, sir.

7 Q. And you remember that you were arrested in
8 West Virginia on August 15th, 2016, right?

9 A. Yes, sir.

10 Q. And during that time, between March and August, you
11 were coming back and forth to Detroit knowing that the
12 feds were looking for you, right?

13 A. Yes, sir.

14 Q. And the reason you were coming back was to get more
15 pills so that you could go back down to West Virginia to
16 sell, right?

17 A. Yes, sir.

18 Q. Knowing that there was this federal indictment
19 against you and that the Marshal's Service was looking for
20 you, right?

21 A. Yes, sir.

22 Q. And when you were arrested by West Virginia police
23 on August 15th of 2016, you gave another name again, you
24 gave a false name --

25 A. Yes, sir.

1 Q. -- again?

2 A. Yes, sir.

3 Q. You gave the name of Drew Kennedy?

4 A. Yes, sir.

5 Q. Who is that?

6 A. My little brother.

7 Q. So you get busted for pills and money in August of
8 2016, right?

9 A. Yes, sir.

10 Q. You had over 200 pills on you at the time?

11 A. Yes, sir.

12 Q. And you had cash?

13 A. Yes, sir.

14 Q. Were you driving a car?

15 A. No, sir.

16 Q. Were you riding with someone else?

17 A. Yes, sir.

18 Q. And, and you knew that the feds were looking for
19 you, correct?

20 A. Yes, sir.

21 Q. So you gave your brother's name?

22 A. Yes, sir.

23 Q. You sat down there in jail in West Virginia from
24 August until November of 2016 when you were extradited
25 back to Michigan, right?

1 A. Yes, sir.

2 Q. You had a detention hearing before a federal
3 magistrate on November 14th, 2016, right?

4 A. In West Virginia?

5 Q. No, here. You were brought back to Michigan?

6 A. Uh-huh.

7 Q. You appeared before a judge at a detention hearing,
8 right, a bond hearing?

9 A. Yes, sir.

10 Q. Because the government wanted to lock you up, wanted
11 you to stay locked up, right?

12 A. Yes, sir.

13 Q. You got yourself a good lawyer, right?

14 A. Yes, sir.

15 Q. Someone that was referred to you by your other drug
16 dealer friends, right?

17 A. No, sir.

18 Q. Who referred Mr. Morris to you?

19 A. Somebody had a lawyer already, and I wanted him on
20 this case.

21 Q. He was a drug lawyer, wasn't he?

22 A. I don't know --

23 Q. Drug cases?

24 **MR. WECHSLER:** Objection to "a drug lawyer."
25 I don't know what "a drug lawyer" is. I mean, what kind

1 of lawyer is --

2 MR. H. SCHARG: You never had a drug lawyer?

3 MR. WECHSLER: No, and I don't know what "a
4 drug lawyer" is. I know what a lawyer is.

5 MR. H. SCHARG: A lawyer that represents
6 people on drug cases. Right? I'll move on.

7 BY MR. H. SCHARG:

8 Q. You got Mr. Morris to represent you, right?

9 A. Yes, sir.

10 Q. And he appeared at a hearing with you on
11 November 14th, 2016, right?

12 A. Yes, sir.

13 Q. And there was a hearing on it because you wanted to
14 get out that day?

15 A. Yes, sir.

16 Q. Right?

17 A. Yes, sir.

18 Q. You were already in for like three or four months?

19 A. Yes, sir.

20 Q. And you knew you were in major problems, you knew
21 that you had major problems, didn't you?

22 A. Yes, sir.

23 Q. You knew that, although you had did a little time
24 here or there or everywhere that now you were facing years
25 in the federal system, didn't you?

1 A. Yes, sir.

2 Q. And you wanted to get out? You wanted to get out of
3 jail at that time?

4 A. Yes, sir.

5 Q. So you had the bond hearing, and through your lawyer
6 you informed the magistrate that you were not a gang
7 member, right?

8 A. Yes, sir.

9 Q. Okay. That was a lie?

10 A. When? How is that a lie?

11 Q. It was a lie on November 14th of 2016 when you came
12 into this building with a lawyer and you told your lawyer
13 to argue that you were not a gang member.

14 A. I'm not a gang member.

15 Q. Well, you are a 55, aren't you?

16 A. That don't mean that -- I didn't look at it, I
17 didn't look at it like it's a gang. I'm affiliated, yes,
18 sir, but I don't consider myself as a gang member. It's
19 not nothing that -- it was not a gang that been out for
20 years and years and years. It was some members we put
21 together. This was a group of people that claimed it. It
22 didn't look like that to me, no.

23 Q. Did you consider yourself on November 14th of 2016 a
24 55?

25 A. Yes, sir.

1 Q. And are you telling this jury today that 55 is not
2 reference, does not refer to a gang?

3 A. I did not look at it as like -- no, at the time I
4 did not look at it -- I still really don't look at it as a
5 gang. It's a group of -- it's not like bloods and crypts,
6 gangs that have been around for years. 55 just been out
7 here for years and we just got beat up. We had to get
8 beat into a gang. Trying to make y'all think that, oh,
9 I'm lying because of my beliefs. If I'm saying I'm
10 affiliated with somebody, yes, I'm affiliated with them.
11 I hung with them. I'm affiliated. Just like the judge is
12 affiliated with the prosecutors.

13 Q. I've got it, I've got it.

14 A. You making up stuff.

15 Q. I'm making up stuff?

16 A. Yes.

17 Q. Didn't you testify yesterday or the day before --

18 A. Trying to switch my words around.

19 Q. -- you were a 55?

20 A. I am.

21 Q. And the 55 is a gang, isn't it? Didn't you say
22 that?

23 A. It's like a gang because it's a group of people, but
24 at the time I didn't look at it as a gang. I wouldn't
25 say, oh, I'm a gang member. I wasn't walking around

1 saying I'm a gang member. I'm like, oh, gang, yeah. I
2 never said that. It was never like that.

3 Q. Let's cut it, okay?

4 A. Because you keep -- you, you -- all right. Yes,
5 sir.

6 Q. November 14th of 2016 did you know that the 55s --
7 that the federal government had indicted certain people
8 for being members of a gang known as 55?

9 A. SMB.

10 Q. Pardon me?

11 A. SMB or affiliated.

12 Q. And 55.

13 A. It was SMB or affiliated.

14 Q. Okay. Did you also tell your lawyer to argue that
15 you never used any firearms?

16 A. I never used a firearm in my life. I never shot
17 nobody.

18 Q. Did you tell your lawyer to argue that you never
19 possessed any firearms?

20 A. I don't recall that. No, I didn't. I don't recall
21 that.

22 Q. Okay.

23 A. You arguing that your client is not guilty of
24 something that you know he is.

25 **THE COURT:** That's not a question. You wait

1 for a question.

2 **BY MR. H. SCHARG:**

3 Q. You also had your lawyer argue that you had strong
4 ties to the community, right?

5 A. I have been staying over there all my life.

6 Q. Okay. And that you had children in the
7 jurisdiction?

8 A. I do.

9 Q. Okay. And you told us yesterday, the day before --
10 or yesterday and today that you have six children?

11 A. Yes, six children.

12 Q. Okay. And that you provide for them?

13 A. Yes. When I can, yes, sir.

14 Q. All right. And you've told us that repeatedly
15 yesterday and today, right?

16 A. Yes, sir.

17 Q. Okay. Why did you tell the magistrate at this
18 detention hearing that you had seven children?

19 A. Because I'm going through legal battles with one of
20 them. This little boy named Jeremiah that I'm going
21 through legal battles with, I claim him, but the mother
22 won't let me see him. I told them last time when I
23 testified that I had seven children.

24 Q. I understand. You testified last time that you had
25 seven children?

1 A. In court.

2 Q. That was four months ago, right?

3 A. It was in February -- March.

4 Q. Okay. And now you are testifying that you have
5 six children. Which is it, sir? Which is it? Do you
6 have seven children?

7 A. She won't let me --

8 Q. Let me finish the question. Is it that you under
9 oath when you testified that you had seven children at a
10 prior proceeding in February or March or is it
11 six children that you are testifying here today?

12 A. Can I answer it?

13 Q. Now you can.

14 A. She won't let me take the blood test for the child.
15 She from Mack where Neff and them from so it's a big
16 misunderstanding going on. Mack is the guy -- I mean Neff
17 is the guy that they have been talking about. It's a big
18 misunderstanding going on so she won't let me take the
19 blood test because she knew Neff, a person that one of my
20 friends supposed to hurt. I'm talking to the jury. So
21 she won't let me take the blood test --

22 Q. No, you've got to talk to me. You've got to talk to
23 me.

24 **MR. WECHSLER:** Judge, he's in the middle of
25 answering his question. It's getting very contentious --

1 **MR. H. SCHARG:** No, he's not answering the
2 question.

3 **MR. WECHSLER:** Because Mr. Scharg is not
4 letting him answer. He's in the middle of an answer, and
5 Mr. Scharg is interrupting him this time.

6 **THE COURT:** I'm not sure if that is an
7 objection, but the Court will permit the question to be
8 answered.

9 Go ahead.

10 **THE WITNESS:** She won't let me see the baby
11 or let me take the blood test because the guy that died is
12 her -- felt like a close friend or family member to her.
13 So she won't let me take the blood test. So I did claim
14 him, but now I just know I still love him, I do want to be
15 in his life, but she won't let me see him because of all
16 of this.

17 **BY MR. H. SCHARG:**

18 **Q.** How long has this dispute been going on?

19 **A.** Since he died, 2014, '15.

20 **Q.** Okay. So this dispute that we're talking about
21 occurred in 2014 or 2015?

22 **A.** Yes, sir.

23 **Q.** So it was ongoing when you testified four months ago
24 about the number of children you have?

25 **A.** Yes, sir.

1 Q. Correct?

2 A. Yes, sir.

3 Q. And at that time you testified that you had
4 seven children?

5 A. Yes, sir.

6 Q. You testified yesterday and today that you had
7 six children, correct?

8 A. Yes, sir.

9 Q. And the same dispute that you talked about
10 four months ago when you gave sworn testimony --

11 A. We never talked about it.

12 Q. -- is still the same dispute that you are talking
13 about?

14 A. We never talked about the dispute before, sir.

15 Q. Why did you testify that you had seven children at
16 the prior court proceeding four months ago and now you
17 change it to six?

18 A. Because I'm trying to be in his life. She won't let
19 me. That's what I keep trying to tell you.

20 Q. Now, based upon information that was provided at the
21 detention hearing, the judge denied you bond, correct?

22 A. Correct.

23 Q. And your lawyer explained to you that because of
24 your lengthy history of failing to appear, your violation
25 of conditions of supervised release, the active warrants

1 and the hundreds of pills that you had in your possession
2 at the time of your arrest, your prior convictions for
3 assaulting police officers, giving a false name that he
4 wasn't going to let you out on the streets, correct?

5 A. The judge?

6 Q. Yes.

7 A. Yes, sir.

8 Q. Okay. So after you were denied bond you had a
9 conversation with your lawyer, Mr. Morris, correct?

10 A. Yes, sir.

11 Q. And you were telling him I've got to get out of
12 here, I've got to get out of here, right?

13 A. No, that's not --

14 Q. I've got to get out on bond?

15 A. No, that's not what I'm telling him. He informed me
16 that if I did cooperate that doesn't mean I was going to
17 get a bond. He told me that. He told me it don't mean
18 you are going to get a bond because you cooperate.

19 Q. Well, this conversation that you had with your
20 lawyer about cooperating, that occurred after the judge
21 denied bond?

22 A. No, it did not. I was in West Virginia when I -- I
23 was still in West Virginia when I -- it was -- I was still
24 in West Virginia or it was Oklahoma or West Virginia when
25 I talked about cooperating.

1 **Q.** Yeah. So you talked about cooperating, you
2 considered cooperation, but you went in for your detention
3 hearing and you lied to your lawyer and you lied to the
4 Court?

5 **A.** I never lied, sir. I never spoke at the detention
6 hearing. How can I lie?

7 **Q.** You lied to your lawyer. You told him -- didn't you
8 tell your lawyer that you were not a gang member?

9 **MR. WECHSLER:** Objection, Judge. He's
10 getting into conversations with him and his lawyer.

11 **THE COURT:** The question has been withdrawn.

12 **MR. H. SCHARG:** Well, it's not because a
13 lawyer made those --

14 **BY MR. H. SCHARG:**

15 **Q.** The conversations you had with your lawyer, your
16 lawyer argued those facts to the Court, didn't he?

17 **MR. WECHSLER:** Objection, Judge. He's
18 getting into conversations with his lawyer. If he wants
19 to argue what's on the record, that's fine, but anything
20 he talks about with his lawyer is privileged.

21 **MR. H. SCHARG:** Fine. I'll withdraw the
22 question and move on.

23 **BY MR. H. SCHARG:**

24 **Q.** You heard your lawyer argue that you were not a gang
25 member, right?

1 A. I don't recall what he argued.

2 Q. You recall, don't you, that your lawyer said that
3 you did not possess firearms?

4 A. He probably argued it.

5 Q. Did you hear your lawyer argue that you had strong
6 ties to this area because you had seven children?

7 A. I remember him arguing a bunch of stuff, sir.

8 Q. Did you hear your lawyer argue that you had not been
9 aware of the indictment when you were arrested?

10 A. I wasn't aware of the indictment in February. I was
11 aware of it in March. I knew.

12 Q. I'm talking about the detention hearing
13 November 14th of 2016. You said you became aware of the
14 indictment in March of 2016, right?

15 A. Yeah, I was aware of the indictment since March.

16 Q. Well, I'm talking about November 14th, 2016. Were
17 you present when your lawyer argued that you should be
18 released on bond because you were not aware of the
19 indictment when you were arrested in August of 2016?

20 A. I don't recall him saying that.

21 Q. Well, after, after this detention hearing where you
22 were denied bond, your lawyer set up a proffer or a
23 meeting with you and the government two weeks later,
24 November 29, 2016, right?

25 A. Yes, sir.

1 Q. And you said you sat down there for three hours,
2 four hours with the government?

3 A. Yes, sir.

4 Q. Who was present at that meeting?

5 A. Me, my lawyer and the government.

6 Q. Okay. The government. We have got a big
7 government. Who in the government sat down at that
8 meeting?

9 A. Two agents and the attorney. Two agents and an
10 attorney.

11 Q. Got you. We're narrowing it down now.

12 A. Yes.

13 Q. Who are the two agents?

14 A. One of the agent sitting behind you, and the other
15 agent is -- I don't remember his name, last name.

16 Q. What about the government attorney?

17 A. It was the -- it was USA -- I forgot his name.

18 Q. Okay. And before you sat down for this meeting
19 there were some ground rules, weren't there?

20 A. Yes, sir.

21 Q. That you had to be 100 percent honest?

22 A. Yes, sir.

23 Q. Which was nothing that you were known for, correct?

24 MR. WECHSLER: Objection.

25

1 BY MR. H. SCHARG:

2 Q. You didn't have a reputation for honesty before
3 that, did you?

4 MR. WECHSLER: Objection.

5 BY MR. H. SCHARG:

6 Q. You had to be 100 percent honest?

7 A. Yes, sir.

8 Q. Okay. You had to volunteer information?

9 A. Yes, sir.

10 Q. You had to answer all the questions?

11 A. To the best of my ability. Do the best I can.

12 Q. You had to provide all of the information that was
13 asked of you, correct?

14 A. No, that's not true. That didn't -- it was not --
15 you making it seem like they made me say stuff. It was
16 not like that.

17 Q. All right. You sat down for at least three hours,
18 right?

19 A. At least two or three hours, yes, sir. Two
20 and-a-half, three hours.

21 Q. And during that time the name of Eugene Fisher came
22 up, correct? Yes?

23 A. Did the name of Eugene Fisher come up? What do you
24 mean by the name, like what is you saying?

25 Q. November 29th, the first proffer, the first time you

1 met with the government for these three hours did you talk
2 about Eugene Fisher?

3 A. I don't recall. If it's in the paper, I did.

4 Q. Well, would it refresh your memory if I showed you
5 the paper?

6 A. Yes, sir.

7 Q. Okay. I'll show you the paper. I'm going to ask
8 you to look at -- you can look at as much as you want, but
9 I'm specifically going to be asking you about the
10 highlighted sections of Pages 1 and 2.

11 A. Uh-huh.

12 Q. And this is the FBI 302 report dated -- date of
13 entry 2-10 of '17, okay?

14 A. Uh-huh.

15 All right.

16 Q. Okay. Do you see there where you discuss Fes?

17 A. Uh-huh.

18 Q. Said that you went to school with Fes?

19 A. I never said I went to school with Fes.

20 Q. Okay. Well, you lived in the neighborhood with Fes,
21 didn't you?

22 A. Why you keep -- it don't even say I went to school
23 with Fes.

24 Q. Well, does it reference Wick and Fes? Who is Wick?

25 A. Wick is James.

1 Q. And Fes is Eugene Fisher?

2 A. Yes, sir.

3 Q. Did you tell the agents that you sat down with and
4 the government lawyer that Wick and Fes were not about
5 gang stuff?

6 A. I never -- I don't know. I never said it.

7 MR. H. SCHARG: May I approach?

8 THE COURT: Yes.

9 BY MR. H. SCHARG:

10 Q. I'm directing your attention to the bottom of Page 2
11 of 10 pages. Do you see that highlighted area?

12 A. Yes.

13 Q. Will you read it to yourself?

14 A. Yes, sir.

15 Q. And is that what you -- did you tell that to the
16 agents?

17 A. I did if it's written down, but I don't think they
18 wrote it down right. I don't know.

19 Q. All right. Well, you read what was written down.

20 A. It say, "Smoke --

21 Q. In your playground voice, please.

22 A. Huh?

23 Q. Read it in your playground voice.

24 A. What you mean by "playground voice"?

25 Q. Like if you are in a strip club.

1 **A.** I'm not mumbling. I'm reading the paper.

2 **Q.** Can you read it out loud?

3 **MR. WECHSLER:** Judge, he can't read it out
4 loud. It's hearsay. He can use it to refresh his
5 recollection if he doesn't know it, then he can answer the
6 question posed to him.

7 **BY MR. H. SCHARG:**

8 **Q.** Let me ask you this. By the way, Agent Ruiz, he was
9 in the room at the time you were interviewed, correct?

10 **A.** Yes, sir.

11 **Q.** Okay. And did you tell Agent Ruiz that Wick and Fes
12 were not about gang stuff?

13 **A.** I told him, I told him Smoke was not about gang
14 stuff. I don't know why they wrote Wick and Fes. Wick
15 and Fes been in gangs all their life.

16 **THE COURT:** All right. I think we're going
17 to break for the day, and I'll see you tomorrow morning.

18 (Jury out at 12:57 p.m.)

19 (Proceedings adjourned at 12:57 p.m.)

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21 **C E R T I F I C A T I O N**

22 We, Ronald DiBartolomeo and Sheri Ward, official
23 court reporters for the United States District Court,
24 Eastern District of Michigan, Southern Division, appointed
25 pursuant to the provisions of Title 28, United States

Code, Section 753, do hereby certify that the foregoing is
a correct transcript of the proceedings in the
above-entitled cause on the date hereinbefore set forth.

s/ Ronald DiBartolomeo
Ronald DiBartolomeo
Official Court Reporter

07/26/2018
Date

s/ Sheri K. Ward
Sheri K. Ward
Official Court Reporter

07/26/2018
Date

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